

Exhibit J

Page 1

[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3]
[4] VIOLA PLUMMER,
[5] Plaintiff, Civil Action No.
[6] -against- 07 CV 6154(WHP)
[7] CHRISTINE QUINN,
[8] Speaker of the City Council,
[9] Defendant.
[10]
[11] August 13, 2007
10:12 a.m.
[12]
[13]
[14]
[15] DEPOSITION of LEROY COMRIE, taken by
[16] the Plaintiff, pursuant to Notice, at the law
[17] offices of The Corporation Counsel, 100 Church
[18] Street, New York, New York before Karen Perlman,
[19] a Shorthand Reporter and Notary Public within and
[20] for the State of New York.
[21]
[22]
[23]
[24] GREENHOUSE REPORTING, INC.
363 Seventh Avenue - 20th Floor
New York, New York 10001
[25] (212) 279-5108

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[1]
[2] APPEARANCES:
[3] LAW OFFICES OF ROGER S. WAREHAM, ESQ.
[4] Attorneys for the Plaintiff
[5] 394 Putnam Avenue
[6] Brooklyn, New York 11216
[7]
[8] NEW YORK CITY LAW DEPARTMENT
[9] OFFICE OF THE CORPORATION COUNSEL
[10] Attorneys for Defendant
[11] 100 Church Street
[12] New York, New York 10007
[13] BY: PAUL MARKS, ESQ.
[14] -and-
[15] JAMES M. LEMONEDES, ESQ.
[16] -and-
[17] NEW YORK CITY COUNCIL
[18] OFFICE OF THE GENERAL COUNSEL
[19] Attorneys for Defendant
[20] 250 Broadway
[21] New York, New York 10007
[22] BY: ALVIN L. BRAGG, JR., ESQ.
[23]
[24] ALSO PRESENT:
[25] Viola Plummer

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[1]
[2] STIPULATIONS
[3] IT IS HEREBY STIPULATED AND AGREED
[4] by and between the attorneys for the respective
[5] parties hereto, that all objections, except as to
[6] form, shall be reserved to the time of trial.
[7] IT IS FURTHER STIPULATED AND AGREED
[8] that the sealing and filing of the within
[9] deposition are hereby waived.
[10] IT IS FURTHER STIPULATED AND AGREED
[11] that the within deposition may be subscribed and
[12] sworn to by the witness being examined before a
[13] Notary Public other than the Notary Public before
[14] whom this deposition was begun.
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[1] **L. Comrie**
[2] LEROY COMRIE, stating a business
[3] address of 113-43 Farmers Boulevard,
[4] Saint Albans, New York 11412,
[5] having been first duly sworn by the
[6] Notary Public, was examined and
[7] testified under oath as follows:
[8] **EXAMINATION**
[9] **BY MR. WAREHAM:**
[10] **Q:** Good morning, Mr. Comrie.
[11] **A:** Good morning.
[12] **Q:** Let me just give you some
[13] preliminary rules, have you done a deposition
[14] before?
[15] **A:** Never, never.
[16] **Q:** As you can tell —
[17] **A:** Knock on wood.
[18] **Q:** Let me —
[19] **A:** Is this real wood?
[20] **Q:** — give you some basic background.
[21] As you can tell, your testimony is
[22] under oath, if I ask you a question and you don't
[23] understand it either in form or content just say
[24] so.
[25] **A:** Umm-hmm.

eroy Comrie

ol. 1, August 13, 2007

Christine Quinn, Speaker of the City Council

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L. Comrie

[1] **Q:** If I ask you a question that you
 [2] don't know, you can say, "I don't know."
 [3] **A:** Umm-hmm.
 [4] **Q:** Have you taken any medications
 [5] today?
 [6] **A:** No.
 [7] **Q:** Or yesterday?
 [8] **A:** No.
 [9] **Q:** Anything that might impair your
 [10] ability to answer clearly?
 [11] **A:** I don't take any medication, thank
 [12] God.
 [13] **Q:** How old are you?
 [14] **A:** I turn 49 on Friday.
 [15] **Q:** And your current position is?
 [16] **A:** Council Member, New York City
 [17] Council, 27th Council District, Queens.
 [18] **Q:** And how long have you been a Council
 [19] member?
 [20] **A:** Since 2002, January 2002.
 [21] **Q:** And what did you do prior to being
 [22] elected Council member?
 [23] **A:** I worked for my predecessor and ran
 [24] his district office.
 [25]

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L. Comrie

[1] **Q:** And your predecessor was?
 [2] **A:** Archie Spigner?
 [3] **Q:** And what did that entail, running
 [4] his district office?
 [5] **A:** Managing the staff, dealing with
 [6] constituent services, representing him in
 [7] meetings, doing everything that he asked me to do
 [8] to ensure that the district was represented.
 [9] **Q:** And this prepared you for the
 [10] present job that you have?
 [11] **A:** Yes.
 [12] **Q:** And in representing him, you related
 [13] to what is called the Queens democratic machine?
 [14] **A:** No.
 [15] **Q:** Did you have any dealings with the
 [16] head of the Queens democratic party?
 [17] **A:** When I was running as a candidate.
 [18] **Q:** But prior to that you didn't?
 [19] **A:** When I was active in politics, but
 [20] that is separate from working in an office.
 [21] **Q:** And when you were running for
 [22] office, what was your relationship to the Queens
 [23] democratic party?
 [24] **A:** I solicited them for support.
 [25]

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L. Comrie

[1] **Q:** And did they support you?
 [2] **A:** Yes.
 [3] **Q:** Were there other candidates running
 [4] against you in your first election?
 [5] **A:** Yes.
 [6] **Q:** How many?
 [7] **A:** Five, six.
 [8] **Q:** And out of those five, six, which
 [9] one, which candidate was supported by the Queens
 [10] democratic party?
 [11] **A:** I was.
 [12] **Q:** During your first electoral
 [13] campaign, was there a candidate named Erica Ford
 [14] running against you?
 [15] **A:** Yes.
 [16] **Q:** And was she, to your knowledge, was
 [17] she supported by Viola Plummer?
 [18] **A:** Yes.
 [19] **Q:** And do you remember what percentage
 [20] of votes Erica Ford had against you in that
 [21] campaign?
 [22] **A:** I don't remember.
 [23] **Q:** Following the last Council election
 [24] that was in 2006?
 [25]

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L. Comrie

[1] **A:** Five.
 [2] **Q:** 2005, at some point did you plan to
 [3] run for Speaker of the Council?
 [4] **A:** Yes.
 [5] **Q:** Did you ask Councilman Barron for
 [6] support, to support you in that endeavor?
 [7] **A:** I asked every Council member.
 [8] **Q:** That is a yes?
 [9] **A:** Yes.
 [10] **Q:** Did Councilman Barron do that,
 [11] support you?
 [12] **A:** Yes, but he only supported me to
 [13] ensure that I would lose, and in fact after —
 [14] after we got into the campaign, he withdrew his
 [15] support publically telling me that he wouldn't
 [16] support me because Viola told him that I was a
 [17] member of the racist Queens County democratic
 [18] organization, and then he chose to support
 [19] another white candidate, which was his plan all
 [20] along.
 [21] **Q:** And you knew that was his plan all
 [22] along because he told you that?
 [23] **A:** I didn't know that — I didn't know
 [24] that until after the Speaker's race was over,
 [25]

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[1] **L. Comrie**
[2] when it was revealed to me.
[3] **Q:** So your implication is that
[4] Councilman Barron does whatever Viola Plummer
[5] tells him to do?
[6] **A:** Yes.
[7] **Q:** Do you remember having a discussion
[8] with Councilman Barron around that at that point
[9] the two people he had or three people he had that
[10] would support your candidacy for the Speaker?
[11] **A:** He never revealed any names.
[12] **Q:** And do you remember him saying that,
[13] and you're saying to him that when he asked you
[14] how many people you had and you said three?
[15] **A:** I never discussed numbers with him.
[16] **Q:** But basically that you didn't have
[17] anybody — the only support you had was the ones
[18] that he had garnered?
[19] **MR. MARKS:** Objection to form.
[20] **A:** That is not true.
[21] **Q:** And eventually, did you support
[22] Christine Quinn —
[23] **A:** Yes.
[24] **Q:** — as Speaker?
[25] During your tenure on the Council —

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[1] **L. Comrie**
[2] **MR. WAREHAM:** Withdrawn.
[3] **Q:** What is the procedure for street
[4] re-namings or co-namings, as far as you know?
[5] **A:** If the Community Board adopts it,
[6] votes it, it goes to the Council committee, if
[7] the Council committee votes it, and then the full
[8] Council passes it, then the Mayor signs a bill.
[9] **Q:** And during the time that you've been
[10] on the Council, approximately how many street
[11] naming packets have you voted on?
[12] **A:** I don't know the number. I think we
[13] have gotten it down to two per year, so let's say
[14] 12.
[15] **Q:** And prior to the May 30th stated
[16] meeting, have you ever abstained on a vote for a
[17] street package re-naming?
[18] **MR. MARKS:** May 30th, May 30, 2007?
[19] **MR. WAREHAM:** Yes.
[20] **Q:** Prior to the stated meeting of the
[21] Council on May 30, 2007, do you remember ever
[22] abstaining on a vote for a street naming?
[23] **A:** No, I don't remember.
[24] **Q:** Prior to the stated Council meeting
[25] of May 30, 2007, do you remember a name that has

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[1] **L. Comrie**
[2] been submitted by a Community Board and approved
[3] by a Council person ever being removed from a
[4] package of street names?
[5] **A:** No.
[6] **Q:** Did you vote to support the street
[7] named after Al Jolson?
[8] **A:** Yes.
[9] **Q:** When Speaker Quinn intervened to
[10] have Sonny Carson's name removed from the
[11] package, did you think that that was proper?
[12] **MR. MARKS:** Objection to form.
[13] You can answer.
[14] **Q:** You can answer.
[15] **THE WITNESS:** What does the
[16] objection to form mean?
[17] **MR. MARKS:** It means, it just means
[18] I'm objecting. You can answer the
[19] question. I'm just objecting to the way
[20] the question is being asked, but if you can
[21] answer the question.
[22] **A:** Say your question again.
[23] **Q:** When the Speaker, Christine Quinn,
[24] intervened to have Sonny Carson's name removed
[25] from the package of names that had been

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[1] **L. Comrie**
[2] originally submitted, did you think that that was
[3] a proper thing to do?
[4] **MR. MARKS:** Objection as to form
[5] again.
[6] **A:** I asked her as to her reasons why.
[7] **Q:** And why did she say she did that?
[8] **A:** She said she did it because she felt
[9] that it was not a street naming she could
[10] support.
[11] **Q:** And my question is, do you think
[12] that it was proper for her to exercise her
[13] influence as the Speaker to have his name removed
[14] from the package?
[15] **MR. MARKS:** Objection as to form.
[16] **A:** Yes.
[17] **Q:** And why do you think that that was a
[18] proper exercise of the influence of the Speaker?
[19] **MR. MARKS:** Same objection as to
[20] form.
[21] **A:** Because she has the ability to put
[22] any bill or any package of bills before — or
[23] remove them from the stuff that we're going to
[24] vote on.
[25] **Q:** And because she has the power to do

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L. Comrie

1) that —
2) **MR. WAREHAM:** Withdrawn.
3) **A:** Yes, she has the power to do that.
4) **Q:** Let me rephrase my question.
5) So are you saying that any exercise
6) of the power of the Speaker is a correct one
7) simply because she has the power to do it?
8) **MR. MARKS:** Objection to form.
9) **A:** Yes.
10) **Q:** Did you agree with her reasons for
11) removing Sonny Carson's name from the bill?
12) **MR. MARKS:** Objection to form, but
13) you can answer.
14) **A:** Yes.
15) **Q:** Did you view her intervention as an
16) improper infringement on the prerogative of the
17) particular City Council person?
18) **A:** No.
19) **MR. MARKS:** Objection to form.
20) You can answer.
21) **Q:** Did you view her intervention as
22) infringement on the particular Community Board's
23) right to decide whom to name the streets after?
24) **A:** No.

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L. Comrie

1) **MR. MARKS:** Objection to form.
2) **A:** No.
3) **Q:** Why not?
4) **A:** Council Member Al Vann whose
5) district this street was in was in the process of
6) negotiating to try to figure out a win-win
7) scenario, so that the community could have its
8) right to self-designate its own heroes,
9) Councilman Barron decided not to let that happen.
10) We knew three weeks before the vote
11) what the vote was going to be. The City Council,
12) the Speaker wouldn't take a vote if she didn't
13) already know what the vote was. The Black and
14) Hispanic Caucus had asked and was negotiating to
15) try to make a win-win and figure out a way to
16) allow the community to self-designate, knowing
17) that the Council was not going to pass the bill
18) for Sonny Carson.
19) Al Vann was in the process of
20) negotiating it, the Black and Hispanic Caucus was
21) in the process of negotiating it, the Speaker was
22) about to allow that to happen, and hold up the
23) other street re-namings until it happened,
24) Councilman Barron decided not to let it — that

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L. Comrie

1) he wanted to vote on May 30th.
2) **Q:** And —
3) **A:** He refused to negotiate and allowed
4) the negotiation to continue.
5) **Q:** So your position is that Councilman
6) Barron was the architect of the entire vote on
7) May 30th?
8) **A:** Correct.
9) **MR. MARKS:** Objection, objection to
10) form.
11) **Q:** And your position is that the
12) decision to hold the vote on May 30th was
13) Councilman Barron's decision?
14) **A:** Correct.
15) **Q:** And your position is that the
16) Speaker didn't have the ability to postpone the
17) vote for a further session until the negotiations
18) could be finished?
19) **A:** No, what I'm saying is he didn't
20) want to negotiate. So if —
21) **Q:** Let me ask you —
22) **A:** What I said was that the Black and
23) Hispanic Caucus, Council Member Vann, Speaker
24) Quinn were all willing to continue negotiations.

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L. Comrie

1) Councilman Barron decided that he did not want to
2) continue to negotiate and did not want to
3) participate in the negotiation, and wanted to
4) vote on the 30th.
5) **Q:** Who is the Chair of The Black,
6) Hispanic and Asian Caucus?
7) **A:** Maria Carmen Arroyo, and Robert
8) Jackson.
9) **Q:** Who were the negotiations being held
10) with with The Black, Hispanic and Asian Caucus?
11) **A:** The chairs of the Caucus and the
12) Speaker's office and Al Vann.
13) **Q:** And your position is that assuming
14) it's true that Councilman Barron did not want to
15) negotiate, that because he didn't want to
16) negotiate, The Black, Hispanic and Asian Caucus
17) cut off negotiations?
18) **MR. MARKS:** Objection to form.
19) **A:** I don't understand.
20) **MR. MARKS:** And —
21) **MR. WAREHAM:** Compound?
22) **MR. MARKS:** I want to say —
23) **THE WITNESS:** Yeah.
24) **MR. MARKS:** — the line of

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[1] **L. Comrie**
[2] questioning seems irrelevant to the claims
[3] in this case.
[4] **THE WITNESS:** Yeah.
[5] **MR. MARKS:** Don't say anything.
[6] Certainly we'll permit some
[7] background, but, you know, from what I
[8] understand the case is about, is an alleged
[9] violation of Ms. Plummer's first amendment
[10] rights by Speaker Quinn in the suspension
[11] of Ms. Plummer and her termination as well
[12] as a race discrimination claim and a undue
[13] process claim, the background to — none of
[14] the questions you're asking bears on that.
[15] **MR. WAREHAM:** Well, I differ on that
[16] in terms of it has to be put in the
[17] context, that meeting has to be put in the
[18] context and any comments or actions taken
[19] by Ms. Plummer has to be put in the context
[20] of how we got to that point and I think —
[21] okay.
[22] **MR. MARKS:** You can go on for a
[23] little bit.
[24] **Q:** So your view is that because
[25] Councilman Barron did not want to negotiate —

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[1] **L. Comrie**
[2] **A:** Right.
[3] **Q:** — negotiations were cut off by The
[4] Black, Hispanic —
[5] **A:** They had no more authority, it was
[6] up to Councilman Vann and Barron to do the
[7] negotiations. And if either one of them stopped,
[8] then the negotiation — then it took their
[9] authority away to negotiate.
[10] Councilman Barron was involved in
[11] all of the discussions and had the opportunity to
[12] participate —
[13] **Q:** Was this —
[14] **A:** — and create —
[15] **Q:** Was this Councilman Barron's
[16] district involved with the street naming?
[17] **A:** No. It was Councilman Vann's.
[18] **Q:** Did Councilman Vann want to continue
[19] to negotiate?
[20] **A:** As far as I know, yes.
[21] **Q:** So —
[22] **A:** I never heard that he stopped
[23] negotiation.
[24] **Q:** So Councilman Vann wanted to
[25] negotiate, according to you Speaker Quinn wanted

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[1] **L. Comrie**
[2] to negotiate, The Black, Latino, Asian Caucus
[3] wanted to negotiate, and your position is that
[4] because Councilman Barron didn't want to
[5] negotiate, all of the negotiations were cut off?
[6] **A:** Right.
[7] **Q:** And that Councilman Barron was the
[8] one who controlled when the vote was going to be
[9] held on —
[10] **A:** No, I didn't say controlled.
[11] **MR. MARKS:** Objection to form.
[12] **A:** I didn't say controlled.
[13] I'm saying once the negotiations
[14] ended then it was to move to a vote, once there
[15] was no ability to work on a compromise or come up
[16] with an alternative that was acceptable and which
[17] we needed more time to create, there was no
[18] reason to hold up votes for firefighters or
[19] people that died on September 11th or the other
[20] package.
[21] **Q:** So let me just be clear. Councilman
[22] Barron overrode the wishes of Councilman Vann who
[23] wanted to continue to negotiate —
[24] **A:** That's my understanding.
[25] **Q:** — a resolution?

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[1] **L. Comrie**
[2] **MR. MARKS:** Objection to form.
[3] **Q:** When Councilman Vann said that he
[4] was putting forward an amendment to include Sonny
[5] Carson's name, did you support that?
[6] **A:** I don't understand the question.
[7] **Q:** Prior to the stated meeting of May
[8] 30, 2007, did Councilman Vann indicate that he
[9] was going to put forward an amendment to include
[10] Sonny Carson's name in the package —
[11] **A:** Yes.
[12] **Q:** — of names?
[13] **A:** Yes.
[14] **Q:** Was there a meeting of The Black,
[15] Latino and Asian Caucus prior to the May 30, 2007
[16] stated meeting —
[17] **A:** Yes.
[18] **Q:** — where that was discussed?
[19] **A:** Yes.
[20] **Q:** Was that May 29th?
[21] **A:** No, that was —
[22] **Q:** May 28th?
[23] **A:** That was like May 2nd.
[24] **Q:** May 2nd?
[25] **A:** Maybe even April.

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L. Comrie

L. Comrie

Q: And on May 2nd —

A: There was at least — that was

discussed at least three to four weeks before the
actual vote.

Q: And at that meeting, was there a
decision made by The Black, Latino and Asian
Caucus to support Councilman Vann's —

A: There was a vote taken, yes.

MR. MARKS: You have to let him
finish the question before you answer.

THE WITNESS: I'm sorry.

Q: And when that vote was taken, how
did you vote? What did you vote?

A: I voted to support Al Vann.

Q: Do you remember what Council Member
James voted, how she voted?

A: I think she abstained.

Q: Even at that meeting she indicated
that she would abstain?

A: I don't remember her exact words.

Q: But your recollection is she
abstained?

A: She didn't vote. I don't remember
if it was a no or an abstention, but she didn't

Q: And why did you change your mind?

A: Because I — the count — the Black
and Hispanic Caucus met a second time before the
vote.

Q: When was that?

A: About a week before the actual vote,
and had asked that we try to continue to figure
out a way to create a win-win, and it was turned
down by Council Member Barron.

Q: By Council Member Barron?

A: Right.

Q: And did —

A: And — and, you know, this is —
this is — the New York City Council is a body
that has to work collectively to make things
happen, and if there is no collective will in
order to effectuate change, then change can't
happen.

Q: Did the majority of The Black Latino
Asian Caucus want to continue to negotiate?

A: Yes.

Q: And so was Councilman Barron the
only one who wanted to end the negotiation?

MR. MARKS: Objection to form.

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L. Comrie

L. Comrie

vote in the affirmative.

Q: But you said that you would support
it?

A: Right.

Q: Subsequent to that meeting, you
changed your mind?

A: No.

MR. WAREHAM: Withdrawn.

Q: Subsequent to that meeting did you
change your mind around support for the
amendment?

A: Subsequent to the first meeting of
the Black and Hispanic Caucus?

Q: Right. The meeting where you
initially voted to support the Vann amendment?

A: Subsequent to the meeting four weeks
before the vote? I'm not sure of your timing.

Q: Was there a point in time when you
changed your mind around supporting the Vann
amendment?

A: Yes.

Q: When was that?

A: Three days before the vote on May
30th.

A: Yes, as far as I recall.

Q: Does The Black Latino Asian Caucus
function by majority vote?

A: Yes.

Q: And the majority wanted to continue
negotiations?

A: Yes.

Q: And Councilman Barron was the only
one who didn't want to continue negotiations?

A: Correct.

Q: And Councilman Barron, according to
you, Councilman Barron's position won?

A: Right. Because the — the — the —

Q: Just —

A: — the caucus got frustrated and
felt, you know, how could they negotiate if they
don't have a consensus of the primary individuals
that were involved.

Q: Councilman Vann wanted to continue
to negotiate?

A: I hadn't heard anything different.

Q: And so you're saying this had to be
by consensus, not by majority vote?

MR. MARKS: Objection to form.

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[1] **L. Comrie**

[2] **A:** By consensus of the primary people
[3] involved. We don't — we don't — we don't
[4] involve ourselves in other members' districts if
[5] the members don't want.

[6] **Q:** Whose district was involved in this?

[7] **A:** Councilman Vann.

[8] **Q:** Not Councilman Barron's district?

[9] **A:** But Councilman Barron was the — how
[10] do you say it — the primary person pushing the
[11] agenda.

[12] **Q:** Who sponsored the amendment to
[13] include Sonny Carson's name, was it Councilman
[14] Barron?

[15] **A:** Councilman Barron.

[16] **Q:** The primary is the person whose
[17] district it comes from, is that correct?

[18] **A:** Right, right.

[19] **Q:** That is the person who wanted to
[20] continue negotiations?

[21] **A:** As far as I know. Are you aware of
[22] Councilman Vann requesting —

[23] **Q:** Let me just say, at this time, I'm
[24] the one who asks the questions.

[25] **MR. MARKS:** You just answer the

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[1] **L. Comrie**

[2] questions.

[3] **THE WITNESS:** Sorry.

[4] **Q:** And at the second meeting, was
[5] another vote taken to see where people stood in
[6] terms of support for the Vann amendment?

[7] **A:** No.

[8] **Q:** So at that point you still continued
[9] to support the Vann amendment?

[10] **A:** People left the meeting frustrated.
[11] There was no —

[12] **Q:** At that point did you, Councilman
[13] Leroy Comrie, continue to support the Vann
[14] amendment?

[15] **A:** We didn't take another vote, so I
[16] was still in the same position and —

[17] **Q:** Which means that you still supported
[18] the Vann amendment?

[19] **A:** Right.

[20] **Q:** That was three days before?

[21] **A:** Right.

[22] **Q:** Sometime between May 27th and May
[23] 30th, did you change your mind around supporting
[24] the Vann amendment?

[25] **A:** Yes.

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L. Comrie

[1] **Q:** And when was that?

[2] **A:** I said three days before, after that
[3] meeting.

[4] **Q:** I thought you had answered that when
[5] you left that meeting your position was that you
[6] still supported the Vann amendment?

[7] **A:** Yeah, but later that day, after I
[8] talked to all of the people involved, the level
[9] of frustration — to me, working in the City
[10] Council is you try to work to build a collective
[11] among members to get things done, to try to
[12] create an ability to have a collegial environment
[13] and an understanding in order to make things
[14] happen. When that breaks down, it — it — it
[15] undermines the ability of Council to make
[16] effective changes, or to make things happen.

[17] Council Members Jackson and Arroyo
[18] were working hard to try to find a way to create
[19] a win-win. They were frustrated. I spoke to
[20] them. I spoke to both of them about what they
[21] were trying to do, I spoke to Councilman Vann, I
[22] spoke to a few other members and the ability of
[23] the Council to move forward to try to create a
[24] win for the community had been broken.

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[1] And at that point I did not feel
[2] that there was a — an obligation to hold on to a
[3] promise that was made, when there was a desire
[4] for the entire caucus to continue in negotiation
[5] and find a way for the community to win.

[6] **Q:** Let me just ask you a procedural
[7] question, who sets the agenda for the state of
[8] meetings?

[9] **A:** The Speaker sets the agenda.

[10] **Q:** Who decides what items are going to
[11] be on a particular day?

[12] **A:** Generally the Speaker's office.

[13] **Q:** So the decision to hold the vote on
[14] the Vann amendment on May 30th was the Speaker's
[15] decision?

[16] **A:** Yes.

[17] **Q:** And if the Speaker and the members
[18] The Black Latino Asian Caucus felt that this
[19] could be resolved by further negotiation, the
[20] Speaker could have set a later date?

[21] **A:** Yes.

[22] **Q:** You said that you spoke with Council
[23] Member Jackson, what was his position around the
[24] Vann amendment?
[25]

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[1] **A:** He was supportive of the Vann
[2] amendment.

[3] **Q:** And what was his position around
[4] continued negotiation?

[5] **A:** He was desirous of continued
[6] negotiation. He was frustrated that he was
[7] spending hours on this and got boarded.

[8] **Q:** And what was Council Member Arroyo's
[9] position around the Vann amendment?

[10] **A:** She — she supported it also, but
[11] she wanted further negotiation, she didn't want
[12] it to end with a lose, and they knew what the
[13] vote was, I said, four weeks earlier and again
[14] three days before.

[15] **Q:** And what was the vote going to be?

[16] **A:** They knew that they were going to
[17] lose the vote.

[18] **Q:** How did they know that they were
[19] going to lose the vote?

[20] **A:** They had polled all the Council
[21] members, all 51 members. They knew what the vote
[22] was going to be before the May 30th, and they
[23] knew that they had — did not have the votes to
[24] win, and they knew that a month before, they knew

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[1] that again three days before.

[2] **Q:** And were any of the members you
[3] spoke with concerned about the precedent that was
[4] being set by the Council, by the Speaker's
[5] intervention, unprecedented intervention into
[6] this process of street co-naming?

[7] **MR. MARKS:** Objection to form, and I
[8] really think we're getting — there is so
[9] much background that is worth going into,
[10] none of this — I haven't heard the word
[11] Viola Plummer except in apparently some
[12] reference in her pulling the strings for
[13] Councilman Barron, but, you know, I'm not
[14] going to allow these depositions to become
[15] like a political platform for the
[16] plaintiff. So I don't know how much —

[17] **MR. WAREHAM:** His thesis was that
[18] Viola Plummer pulls Charles Barron's
[19] strings, and these questions have been
[20] around the role of Charles Barron in terms
[21] of short-circuiting the process that got us
[22] to the stated meeting, which I'm about to
[23] get to.

[24] **MR. MARKS:** But Charles Barron is

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[1] not a plaintiff here, at least on the
[2] caption, so if you want to get to the
[3] stated meeting, Ms. Plummer's conduct at
[4] the stated meeting and her statements
[5] afterwards about Mr. Comrie, I think that
[6] is really what the deposition should be
[7] about.

[8] **Q:** Did you speak to the Speaker about
[9] the Vann amendment?

[10] **A:** Yes.

[11] **Q:** I'm talking about prior to the
[12] stated meeting?

[13] **A:** Yes.

[14] **Q:** And did she ask for your support
[15] around that?

[16] **A:** No.

[17] **Q:** What did she say to you about the
[18] Vann amendment?

[19] **A:** I talked to her about this in —
[20] in — in terms of the spirit of negotiating a
[21] win-win for the community and how we could figure
[22] out a way to do a win-win for the community that
[23] desired to commemorate someone in their own
[24] community, and that I talked to her about. I

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L. Comrie

[1] never talked to her about my vote or the vote.

[2] **Q:** So she never solicited your support
[3] or your abstention?

[4] **A:** No, she had her votes with me. As I
[5] said earlier, she knew a month before what the
[6] position of the Council was going to be.

[7] **Q:** Let's go to the stated meeting of
[8] May 30th.

[9] **A:** Excuse me.

[10] **Q:** Were you present at that meeting, at
[11] the stated Council meeting of May 30, 2007?

[12] **A:** Yes.

[13] **Q:** Were you there for the entire
[14] meeting?

[15] **A:** Yes.

[16] **Q:** When the Vann amendment was put on
[17] the floor, can you describe the meeting at the
[18] point in time from the Vann amendment was put on
[19] the floor?

[20] **MR. MARKS:** Objection to form.

[21] **A:** You got to be more specific.

[22] **Q:** How would you describe the
[23] atmosphere of the meeting at the point that the
[24] Vann amendment was put on the floor Councilman

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L. Comrie

[1]
[2] Vann?
[3] **A:** The beginning of the meeting was
[4] technical, the beginning of the meeting was very
[5] technical.
[6] **Q:** Once we get passed the technical
[7] part of the meeting, were there many people in
[8] the chambers that day?
[9] **A:** Chambers was packed, and upstairs
[10] was packed. I was in and out of the meeting
[11] because my mentor's wife died that morning, so I
[12] was on — catching a lot of phone calls and
[13] having to step out of the meeting a lot, but I
[14] did sit — sit in the meeting while the Vann
[15] amendment was being produced.
[16] **Q:** And just one last question, when you
[17] changed your mind around the vote you said three
[18] days prior to the meeting, did you inform The
[19] Black Latino Asian Caucus that you had done so?
[20] **A:** The co-chairs, yes.
[21] **Q:** The co-chairs. Did you inform
[22] Councilman Vann?
[23] **A:** No.
[24] **Q:** Did you inform Councilman Barron?
[25] **A:** Yes. And I didn't speak to anybody

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[1] else about my vote.
[2] **Q:** But Councilman Barron knew before
[3] the meeting that you had changed your vote?
[4] **A:** Yes.
[5] **Q:** Do you know that the Speaker has
[6] accused Ms. Plummer of engaging in disruptive
[7] conduct during the stated meeting of May 30,
[8] 2007?
[9] **MR. MARKS:** Objection to form.
[10] You can answer.
[11] **A:** Yes.
[12] **Q:** Do you know what the nature of that
[13] disruptive conduct supposedly was?
[14] **A:** Yes.
[15] **Q:** And what was that, to your
[16] understanding?
[17] **A:** What was the proper word? Vile and
[18] disruptive statements made during the Council
[19] meeting, denigrating statements made to and about
[20] individual members.
[21] **Q:** Were you there when this happened?
[22] **A:** Yes.
[23] **Q:** Can you describe exactly what were
[24] the vile, disruptive, denigrating statements that
[25]

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[1] were made?
[2] **A:** There was specific words used to
[3] Council Members Fidler, Koppell, de Blasio that
[4] were — I can't — that were — that were just
[5] totally out of line.
[6] **Q:** Can you just say what those words
[7] were, please?
[8] **A:** I don't even remember the exact
[9] words, but I know that they were words that no
[10] staff person would ever use in that capacity that
[11] I would hire or would allow to maintain in my
[12] employ.
[13] **Q:** But that would be a decision that
[14] you would make around your employee, right?
[15] **MR. MARKS:** Objection to form.
[16] You can answer.
[17] **A:** No. That would be an objection that
[18] any Council Member would make if a person acted
[19] in a public venue.
[20] **Q:** And —
[21] **A:** Any elected official.
[22] **Q:** But my question is, somebody that
[23] you employed, you're saying that if somebody that
[24] you employed acted like that, you would not keep
[25]

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[1] them on staff?
[2] **A:** Correct.
[3] **Q:** You would fire them?
[4] **A:** Right.
[5] **Q:** But you don't remember the
[6] particular words that were used?
[7] **A:** I don't — didn't bother to keep
[8] them in my memory.
[9] **Q:** In preparation for this hearing, did
[10] you review any documents?
[11] **A:** No.
[12] **Q:** Do you know whether the stated
[13] meeting was taped?
[14] **A:** They're always taped.
[15] **Q:** Did you review the tape —
[16] **A:** No.
[17] **Q:** — in preparation for this?
[18] **A:** No.
[19] **Q:** Was Ms. Plummer's alleged disruptive
[20] conduct the only disruptive conduct in the
[21] chamber that day?
[22] **A:** No.
[23] **Q:** Where else did you see or hear
[24] disruptive conduct?
[25]

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L. Comrie

- [1] **A:** There was disruptive conduct from
[2] the upper level.
[3] **Q:** And can you describe what that was?
[4] **A:** Verbal reactions to statements and
[5] verbal words to statements that were made from
[6] the Council floor.
[7] **Q:** And was Ms. Plummer's disruptive
[8] conduct verbal?
[9] **A:** Yes.
[10] **Q:** Was it physical?
[11] **A:** No.
[12] **Q:** You've been on the City Council
[13] since 2002?
[14] **A:** Correct.
[15] **Q:** Are you familiar with rules of the
[16] City Council?
[17] **A:** Yes.
[18] **MR. WAREHAM:** Mark this as 4.
[19] (Plaintiff's Exhibit 4, Rules of the
[20] Council, marked for identification.)
[21] **Q:** Have you had a chance to look at it?
[22] **A:** I'm not sure what you want me to
[23] look for.
[24] **Q:** Just a question, under the rules of

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L. Comrie

- [1] the City Council, who has the authority to
[2] restore order in the face of disruption?
[3] **MR. MARKS:** Objection to form.
[4] **A:** The presiding officer.
[5] **Q:** And who was the presiding officer at
[6] that meeting, on May 30, 2007?
[7] **A:** Betsy Gotbaum.
[8] **Q:** And under the rules, what steps can
[9] the presiding officer take to restore order in
[10] the meeting?
[11] **A:** They can cause the gallery or the
[12] chamber be cleared, or request that the chamber
[13] be cleared and bring in whatever personnel
[14] necessary to make that happen.
[15] **Q:** Did Public Advocate Gotbaum have the
[16] chamber cleared on that day, do you remember?
[17] **A:** No, she didn't.
[18] **Q:** Did she have Viola Plummer removed
[19] from the chamber that day?
[20] **A:** No.
[21] **Q:** Do you know what did Speaker Quinn
[22] do in the face of this disruptive conduct by
[23] Viola Plummer?
[24] **MR. MARKS:** Objection to form.
[25]

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L. Comrie

- [1] You can answer.
[2] **A:** Request order to be reestablished.
[3] **Q:** I'm talking about Speaker Quinn?
[4] **A:** Yes.
[5] **Q:** You heard her request order?
[6] **A:** Yes.
[7] **Q:** She did that over the microphone?
[8] **A:** Yes. I thought so. And I know there
[9] were a few requests for re-establishment of
[10] decorum.
[11] **Q:** And those requests for
[12] re-establishment came from Speaker Quinn or from
[13] the Public Advocate?
[14] **A:** Both.
[15] **Q:** And in your view, when in your
[16] experience at Council meetings, when the Public
[17] Advocate is presiding over the meeting, have —
[18] **MR. WAREHAM:** Withdrawn.
[19] **Q:** Have there been prior stated
[20] meetings where there have been disruptions?
[21] **A:** Yes.
[22] **Q:** And when there are disruptions, who
[23] is the person who requests order?
[24] **A:** The Public Advocate or the Speaker.
[25]

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L. Comrie

- [1] **Q:** They both take turns, even if the
[2] Public Advocate is the presiding officer, the
[3] Speaker will request order as well?
[4] **MR. MARKS:** Objection to form.
[5] **A:** Yes.
[6] **Q:** And that is not viewed as an
[7] infringement of the authority of the public
[8] advocate?
[9] **MR. MARKS:** Objection to form.
[10] **A:** The Public — the Public Advocate
[11] serves at the Speaker's pleasure, according to
[12] the rules the Speaker is the presiding officer or
[13] he designated an acting president pro tem
[14] according to — I forget when we found out that
[15] the Public Advocate was no longer automatically
[16] given the privilege of presiding over the
[17] Council, I think that was under Speaker Miller,
[18] and he continued to allow the Public Advocate to
[19] serve at his behest.
[20] **Q:** Do you know whether Speaker Quinn
[21] spoke to Public Advocate Gotbaum about restoring
[22] order in the room?
[23] **A:** Individually?
[24] **Q:** Yes.
[25]

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[1] **L. Comrie**
[2] **A:** I don't recall.
[3] **Q:** Did Speaker Quinn single out Ms.
[4] Plummer in terms of disruptive conduct during the
[5] meeting?
[6] **MR. MARKS:** Objection to form.
[7] **A:** I don't recall any specific names
[8] being used.
[9] **Q:** Did Ms. Plummer's quote alleged
[10] disruptive actions prevent the vote, the conduct
[11] of the vote on the Vann amendment?
[12] **A:** No, it didn't prevent it.
[13] **MR. MARKS:** Objection to form.
[14] **Q:** Did Ms. Plummer's alleged disruptive
[15] actions prevent the vote on the package of street
[16] names?
[17] **MR. MARKS:** Objection to form.
[18] **A:** No, it just slowed down the process.
[19] **Q:** Did the Council complete its
[20] scheduled agenda for the May 30, 2007 stated
[21] meeting?
[22] **A:** Yes, after delays.
[23] **Q:** Did Charles Barron speak on the Vann
[24] amendment?
[25] **A:** Yes.

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[1] **L. Comrie**
[2] **Q:** Were you present when he spoke?
[3] **A:** Yes.
[4] **MR. WAREHAM:** Mark this as
[5] Plaintiff's 5, this is Charles Barron's
[6] comments at the stated meeting.
[7] **MR. MARKS:** The transcript of?
[8] **MR. WAREHAM:** The transcript, sorry.
[9] (Plaintiff's Exhibit 5, document
[10] bearing Bates numbers D 0539, 0576 - 0580,
[11] marked for identification.)
[12] **MR. LEMONEDES:** Just for the clarity
[13] of the record, to indicate, Plaintiff's
[14] Deposition Exhibit 5 is Bates stamped D
[15] 0539, and then D 0576 through 580.
[16] **Q:** Did you look through that?
[17] **A:** No.
[18] **Q:** In particular I draw your attention
[19] to page 37 on the transcript, from lines 1
[20] through 23.
[21] Let me know when you're finished.
[22] **A:** You said 1 to 23?
[23] **Q:** Yes. On the first page.
[24] **A:** Okay.
[25] **Q:** And you already testified that you

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[1] **L. Comrie**
[2] had told Charles Barron ahead of time that you
[3] were abstaining on the vote?
[4] **A:** Correct.
[5] **Q:** And would it be fair to say that
[6] Charles Barron is someone who usually speaks his
[7] mind?
[8] **MR. MARKS:** Objection to form.
[9] **Q:** Doesn't bite his tongue on what he's
[10] thinking?
[11] **MR. MARKS:** Objection to form.
[12] **MR. WAREHAM:** Withdrawn.
[13] **Q:** If Charles Barron has a
[14] contradiction with you, he'll usually tell you,
[15] isn't that correct, Mr. Comrie?
[16] **MR. MARKS:** Objection to form.
[17] **A:** I don't understand the question.
[18] **Q:** Charles Barron knew ahead of time
[19] that Council Member James was not supporting the
[20] amendment?
[21] **MR. MARKS:** Objection.
[22] **Q:** The Vann amendment, is that correct?
[23] **MR. MARKS:** Objection to form.
[24] **A:** Yes.
[25] **Q:** Council Member Barron, according to

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[1] **L. Comrie**
[2] you Council Member Barron knew ahead of time that
[3] you were not supporting the Vann amendment?
[4] **A:** Right.
[5] **Q:** In his remarks to the Council, does
[6] he mention any Council members' names in
[7] particular around not supporting the amendment?
[8] **A:** Just James.
[9] **Q:** And if I could just draw your
[10] attention to the statement, can you read what he
[11] says starting from line 9 through line 16?
[12] **MR. MARKS:** Do you mean read to
[13] himself?
[14] **MR. WAREHAM:** I was going to say
[15] read it into the record but I guess it's in
[16] the record.
[17] **A:** Okay, I've read it again.
[18] **Q:** He mentions just James around people
[19] who are abstaining, right?
[20] **A:** Umm-hmm.
[21] **Q:** Does he mention your name?
[22] **A:** No.
[23] **Q:** But you're saying he knew your name?
[24] **A:** Yes.
[25] **Q:** Did Council Member Barron have any

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L. Comrie

[1] reason to shield you from his criticism around
[2] people not supporting the Vann amendment?

[3] **MR. MARKS:** Objection to form.

[4] **A:** I have no idea, you would have to
[5] ask him that.

[6] **Q:** How long have you known Viola
[7] Plummer?

[8] **A:** Fifteen, 20 years.

[9] **Q:** And in what context have you known
[10] her?

[11] **A:** I never knew her on a real personal
[12] context, I always knew her on an advocate, either
[13] advocating or at demonstrations or at civic or —
[14] not necessarily civic meetings, but at meetings.

[15] **Q:** Is she one of your constituents?

[16] **A:** Yes.

[17] **Q:** The comment that Ms. Plummer made
[18] around quote/unquote assassinating your, Council
[19] Member Comrie's ass or political ass, did you
[20] hear her say that yourself?

[21] **MR. MARKS:** Objection to form.

[22] You can answer.

[23] **A:** No.

[24] **Q:** Who brought it to your attention?

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L. Comrie

[1] **A:** Originally it was brought to my
[2] attention by one of the reporters in the room.

[3] **Q:** Do you remember which reporter?

[4] **A:** The reporter from the — the Staten
[5] Island paper, Advance, The Staten Island Advance.

[6] **Q:** Did that person hear the comment
[7] themselves?

[8] **A:** Yes.

[9] **Q:** Did that person record the comment?

[10] **A:** I believe so, yes.

[11] **Q:** Did they play the recording for you?

[12] **A:** Yes.

[13] **Q:** And when you heard the comment, what
[14] was your reaction?

[15] **A:** I was surprised. I was — I was,
[16] you know, I mean my — my brain was not even on
[17] that anymore, I was dealing with the fact that my
[18] mentor's wife had died. I stayed down in the
[19] lounge making phone calls after the meeting was
[20] over, just trying to help him set up things and
[21] talk to people and give notification, so it
[22] really caught me off guard. I had no sense of it
[23] or no understanding of it, and I was just
[24] completely bewildered by it.

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L. Comrie

[1] **Q:** And at the point in time when you,
[2] you know, gave it some thought, did you think she
[3] really intended to assassinate you?

[4] **A:** The reporter's reaction from it made
[5] me think that she said it in a hostile, demeaning
[6] manner.

[7] **Q:** My question is did you, Council
[8] Member Comrie, not the reporter —

[9] **A:** Right.

[10] **Q:** — did you think Viola Plummer's
[11] comment meant that she intended to assassinate
[12] you?

[13] **A:** She individually?

[14] **Q:** Yes.

[15] **A:** I had no idea at the point.

[16] **Q:** Yes.

[17] You said you know Viola Plummer 10
[18] or 15 years in an advocacy role?

[19] **A:** Right. And — and —

[20] **Q:** Did you feel physically threatened?

[21] **A:** I was in a state of shock, dealing
[22] with other issues, so I — my focus was not even
[23] on that issue.

[24] **Q:** At some point in time, when you got
[25]

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L. Comrie

[1] past the trauma of your mentor's wife's death,
[2] and you thought about Ms. Plummer's comments, did
[3] you feel physically threatened by Viola Plummer?

[4] **A:** I felt physically threatened by the
[5] fact that that got in the front page of the
[6] paper, that we've had other incidence in the
[7] Council where members have been assaulted and one
[8] member was even murdered in the Council, and
[9] after I thought about it and got passed or —
[10] well, still hadn't gotten passed it because we
[11] hadn't buried him for another five days, but I
[12] thought about the fact that that was now
[13] underneath the as per, and you have a lot of sick
[14] people in the world, and I'm a public person, a
[15] person of decent name recognition, pretty
[16] well-known around the City, I mean not a person
[17] that can hide, because I'm a large person so
[18] people will distinguish me in a crowd.

[19] Part of my job as a public person is
[20] to great strangers and to speak to people that I
[21] don't know that come up to me and encounter me on
[22] the street, pull me over in my car, stop me at
[23] the grocery store, the laundromat or wherever I'm
[24] walking.

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[1] **L. Comrie**
[2] **Q:** Did you feel physically threatened
[3] by Viola Plummer?
[4] **A:** I hadn't thought about it at the
[5] initial, and when I thought about it later on, I
[6] was more threatened by the individual statement
[7] than the individual person.
[8] **Q:** Did you ask for security from the
[9] City Council?
[10] **A:** No.
[11] **Q:** Was security provided to you by the
[12] City Council?
[13] **A:** Yes.
[14] **Q:** At whose behest?
[15] **A:** The Speaker's behest.
[16] **Q:** Did you file a report with the
[17] police?
[18] **A:** Not yet.
[19] **Q:** Do you intend to file a report with
[20] the police?
[21] **A:** Yes.
[22] **Q:** And the report, what is the nature
[23] of the complaint that you intend to file with the
[24] police?
[25] **A:** I don't know, I'm not — I

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[1] **L. Comrie**
[2] haven't — I don't know what the technical term
[3] is.
[4] **Q:** Well, just put it in layman's,
[5] layperson's terms, what is the nature of the
[6] report that you intend to file with the police?
[7] **A:** I've been instructed by the police
[8] department that I had an unlimited amount of time
[9] to file a report of the incident and what
[10] happened and my opinion of the incident. And
[11] since I had unlimited time to do it, I hadn't
[12] made it a priority to do so, since I was focused
[13] on immediately dealing with the funeral of my
[14] mentor, working on budget, and working on other
[15] things, just since I had unlimited time and it
[16] wasn't a time deadline, I didn't get to it.
[17] **Q:** And you didn't file it because you
[18] don't urgently feel threatened by Viola Plummer?
[19] **MR. MARKS:** Objection to form.
[20] **A:** No, I had — I had already notified
[21] the police, the police were involved and they had
[22] already been on notice about the incident, my
[23] local police commander was aware of it and
[24] actually dispatched police cars to my house for a
[25] week. The borough commander was aware of the

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[1] **L. Comrie**
[2] incident, the head of security for City Hall was
[3] aware of it, and also the head of the Council of
[4] security was aware of it.
[5] **Q:** When you say "aware", they were
[6] aware of the comment?
[7] **A:** The comment, the incident, the
[8] entire happenings that day.
[9] **Q:** You're making a distinction between
[10] the comment and the incident. What do you see as
[11] the comment and what do you see as the incident?
[12] **A:** Her specific comment that made the
[13] front page of the papers, and it said
[14] assassination of my behind, period, in bold
[15] letters in the papers.
[16] **Q:** Is she the publisher of the
[17] newspaper that printed that headline?
[18] **A:** No.
[19] **Q:** Did you interpret assassinate your
[20] behind to mean assassinate you?
[21] **A:** No. But I'm not every reader, I'm an
[22] individual and when a reader sees that in the
[23] paper, they may not read the fine or the rest of
[24] the paragraph or the rest of the paper, or any
[25] other articles involved with it, they're just

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[1] **L. Comrie**
[2] seeing those three words.
[3] **Q:** And —
[4] **A:** My mother got a call later that day
[5] that someone was trying to assassinate me, my
[6] mother lives in Florida, because one of her
[7] friends didn't read the whole article, she called
[8] me up in a panic.
[9] **Q:** And you explained to her that you
[10] were not in danger of being assassinated?
[11] **A:** No, I didn't explain that to her.
[12] **MR. MARKS:** Objection to form.
[13] **Q:** So you —
[14] **A:** I couldn't — I can't — you
[15] can't —
[16] **Q:** You left your mother with the
[17] impression that you were in danger of being
[18] assassinated?
[19] **MR. MARKS:** Objection to form.
[20] **A:** It was a half — it was a half hour
[21] conversation, you just can't tell somebody that
[22] when somebody sends them an e-mail of an article
[23] that they're not reading.
[24] **Q:** Did you explain to your mother how
[25] newspapers can distort stories?

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L. Comrie

- [1] **A:** Yes, but that was a direct quote.
[2] **Q:** You didn't believe that you were in
[3] physical danger from Viola Plummer?
[4] **A:** I explained to her that I didn't
[5] think I was in physical danger from Viola
[6] Plummer, but I was concerned about the fact that
[7] that was in the paper and who knows what sick
[8] person may get off on trying to activate that
[9] word, or that statement, so there was — there
[10] was and still is a concern.
[11] **Q:** And you explained to your mother
[12] that Viola Plummer is a 70 year old grandmother?
[13] **A:** Yes, I explained that part. With a
[14] history of statements against me.
[15] **Q:** And isn't it a fact that the next
[16] day you saw Ms. Plummer at 250 Broadway?
[17] **A:** Yes.
[18] **Q:** And that the two of you made —
[19] **MR. WAREHAM:** Withdrawn.
[20] **Q:** And that Ms. Plummer said to you
[21] something like Leroy and you turned around,
[22] pulled up the flap of your jacket and pushed out
[23] your rear end and laughed about it?
[24] **A:** No.
[25]

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L. Comrie

- [1] **Q:** That didn't happen?
[2] **A:** No.
[3] **Q:** Well, tell us what happened the next
[4] day at 250 Broadway when you saw Ms. Plummer?
[5] **A:** I was coming — going through the —
[6] the doors headed to my office, she was coming
[7] into the 18th floor walkway on the elevator bank,
[8] she was coming into the elevator bank, she said,
[9] "Leroy" to me, I turned around, looked at her,
[10] didn't bend over, and kept walking and then
[11] she — she said some other words I didn't hear,
[12] and then when I was in the hall, I was just
[13] laughing in derision because I wasn't going to
[14] speak to her or acknowledge her or deal with her
[15] presence.
[16] At that point the only thing that I
[17] wanted from her is for her to go back on the
[18] steps and apologize.
[19] **Q:** So you were laughing at her? With
[20] her? At her?
[21] **A:** Not with her.
[22] **Q:** You were laughing —
[23] **A:** — in derision, because I had
[24] already gotten calls from people that were
[25]

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L. Comrie

- [1] telling me that the only thing they expected from
[2] her was for her to apologize, from people that we
[3] both know.
[4] **Q:** I just want to be clear.
[5] **A:** I'm being clear. I did not laugh
[6] with her, I was not in anyway near her —
[7] **Q:** You were laughing —
[8] **A:** — I did not respond to her, I was
[9] just laughing on my own.
[10] **Q:** When you saw her in the hallway, was
[11] there anybody else there?
[12] **A:** The Sergeant of Arms was at the
[13] desk.
[14] **Q:** Do you remember who the Sergeant At
[15] Arms was?
[16] **A:** Izzy, Izzy, Izzy, I forget, Israel
[17] Martinez, I believe.
[18] **Q:** This is on the 18th floor, or what
[19] floor was this on?
[20] **A:** The 18th.
[21] **Q:** The 18th floor.
[22] And you said you don't remember what
[23] if any words were exchanged?
[24] **A:** I wasn't listening for words,
[25]

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L. Comrie

- [1] because I didn't exchange any words. I didn't
[2] say one word to her.
[3] **Q:** Did the Sergeant At Arms have to
[4] intervene between the two of you, was he saying
[5] anything to you?
[6] **A:** No, we weren't anywhere near each
[7] other, she was at one set of doors, I was at
[8] another set of doors, that hallway is at least
[9] 500 feet wide.
[10] **Q:** Did you make any complaint or
[11] anything?
[12] **A:** No, I understand he made a
[13] complaint.
[14] **Q:** Who, the Sergeant At Arms?
[15] **A:** Yes.
[16] **Q:** And do you know what the nature of
[17] his complaint was?
[18] **A:** He expressed to me that he was upset
[19] with her comments that were made after I walked
[20] down the hall.
[21] **Q:** Did he say what those comments were?
[22] **A:** I didn't ask.
[23] **Q:** Did he say who those comments were
[24] made to?
[25]

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L. Comrie

[1] A: No, I didn't ask.
[2] Q: When —
[3] A: I don't know if anybody else was in
[4] the hall.
[5] Q: It was at that point, it was you,
[6] Ms. Plummer and the Sergeant At Arms?
[7] A: Right.
[8] Q: There was nobody else there?
[9] A: Not that I saw.
[10] Q: But he said those were comments that
[11] were made in his presence after you walked out?
[12] A: Comments that he overheard.
[13] Q: The security that was provided to
[14] you by the City, by the Speaker's office, how
[15] long did you keep it?
[16] A: I had a fundraiser that evening
[17] three blocks from City Hall.
[18] MR. MARKS: Objection to form.
[19] A: And they stayed for the duration of
[20] the fundraiser, which was three hours.
[21] Q: And at the fundraiser, who spoke at
[22] the fundraiser?
[23] A: Many people spoke at the fundraiser.
[24] Q: Did the Speaker Christine Quinn

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L. Comrie

[1] speak at the fundraiser?
[2] A: Yes.
[3] Q: And was the fundraiser successful?
[4] A: Yes.
[5] Q: And the support of the Speaker was
[6] helpful in terms of its success?
[7] MR. MARKS: Objection to form.
[8] A: No, not really.
[9] Q: The support of the Speaker hurt?
[10] A: No. A fundraiser is generated on
[11] your ability to make calls in to get people
[12] there, and any name that is on there, most people
[13] know that everybody has the Speaker's name on
[14] their fundraiser that has an interest to City
[15] Hall, you don't make the calls and then twist
[16] peoples' arms yourself into coming.
[17] Q: But if the Speaker has a
[18] contradiction, she doesn't necessarily come to
[19] every fundraiser she's asked to?
[20] MR. MARKS: Objection to form.
[21] A: I don't know.
[22] Q: Do you think she would come to a
[23] fundraiser for Charles Barron?
[24] MR. MARKS: Objection to form.
[25]

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L. Comrie

[1] A: I don't know.
[2] Q: What is your educated guess?
[3] MR. MARKS: He's not here to guess.
[4] My understanding is he's here to present
[5] facts.
[6] A: Every day is a new day in the world.
[7] Q: You're saying anything is possible?
[8] A: Anything is possible.
[9] Q: Has the Speaker supported you with
[10] other fundraisers?
[11] MR. MARKS: Objection to form.
[12] A: I don't — I don't — this is my
[13] first fundraiser since '05.
[14] Q: Are you familiar with the ethics
[15] manual?
[16] A: No, I'm not on the Ethics Committee,
[17] so I never had to go through the manual, I never
[18] had a reason to.
[19] Q: Are you aware that —
[20] MR. LEMONEDS: Before you continue
[21] into another area, can I ask for a
[22] two-minute break?
[23] MR. WAREHAM: Sure.
[24] MR. LEMONEDS: Would that be okay?
[25]

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L. Comrie

[1] MR. WAREHAM: Sure.
[2] MR. LEMONEDS: I wanted to catch
[3] you before you went ahead.
[4] MR. WAREHAM: Not a problem.
[5] MR. LEMONEDS: If you want to
[6] continue, that is fine.
[7] MR. WAREHAM: No, it's okay.
[8] (Time noted: 11:25 a.m.)
[9] (A brief recess is taken.)
[10] (Time noted: 11:33 a.m.)
[11] Q: I had asked you earlier if you were
[12] familiar with the ethics manual?
[13] A: Right.
[14] Q: Do you remember receiving one when
[15] you first took office?
[16] A: Yes, I guess so, yes.
[17] Q: Are you familiar with the procedure
[18] for complaints of harassment or discrimination
[19] that can be brought against City Council members
[20] or employees?
[21] A: Yes. We reviewed that since we came
[22] into office and updated it.
[23] Q: Did you file a complaint against Ms.
[24] Plummer as per the ethics manual?
[25]

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L. Comrie

[1] **MR. MARKS:** Objection to form.
[2] **A:** No.
[3] **Q:** Why not?
[4] **A:** I didn't realize there was an option
[5] available to me.
[6] **Q:** Did you discuss what options were
[7] available to you around Ms. Plummer's comments
[8] with the Speaker?
[9] **A:** Yes.
[10] **Q:** And what were you told?
[11] **MR. MARKS:** Objection to form.
[12] **A:** I expressed to the Speaker my desire
[13] to seek to terminate her.
[14] **Q:** And did the speaker raise the
[15] possibility of filing a complaint as per the
[16] ethics manual?
[17] **MR. MARKS:** Objection to form.
[18] You may answer.
[19] **A:** No.
[20] **Q:** And you expressed to the Speaker
[21] your desire for Ms. Plummer to be terminated
[22] because of the remark that she made outside of
[23] City Hall?
[24] **A:** No.
[25]

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L. Comrie

[1] **Q:** You expressed to the Speaker your
[2] desire for Ms. Plummer to be terminated for what
[3] remarks?
[4] **A:** Both sets of remarks, the remarks in
[5] the Council that day, and the remarks on the
[6] steps.
[7] **Q:** And isn't it a fact that your
[8] concerns were the remarks outside the steps of
[9] City Hall?
[10] **A:** No.
[11] **MR. MARKS:** Objection to form.
[12] **Q:** Your concerns were always the
[13] remarks that she made, the ones that —
[14] **MR. WAREHAM:** Withdrawn.
[15] **Q:** The remarks that she made inside the
[16] Council, you don't remember what they were?
[17] **A:** I'm not — I didn't need to hold
[18] onto the specifics, I just knew that they were
[19] vile and unacceptable.
[20] **Q:** But you don't remember what they
[21] specifically were?
[22] **A:** No.
[23] **Q:** And it's your position that your
[24] problem with Ms. Plummer's remarks from the
[25]

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L. Comrie

[1] beginning always included the remarks in the City
[2] Council and outside the City Council chambers?
[3] **A:** Yes, yes.
[4] **Q:** And that was the position you made
[5] clear to the Speaker?
[6] **A:** Yes.
[7] **Q:** And to your staff?
[8] **A:** Yes.
[9] **Q:** And who is Rance Huff?
[10] **A:** My communications director.
[11] **Q:** And did you have him release a press
[12] statement on June 1, 2007?
[13] **A:** Yes, yes, I think that is the date.
[14] **Q:** And who wrote that press statement?
[15] **A:** We did collectively.
[16] **Q:** We being?
[17] **A:** Myself and Rance Huff.
[18] **Q:** With any input from the Speaker's
[19] office?
[20] **A:** No.
[21] **Q:** And did that release reflect, was
[22] that an accurate reflection of your position on
[23] Ms. Plummer at that time?
[24] **MR. MARKS:** Objection to form.
[25]

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L. Comrie

[1] **A:** It did require that I stated that I
[2] thought she should be fired, it stated that I
[3] thought her actions, that they warrant
[4] termination, I think I said actions that day and
[5] I don't remember every word that I wrote in the
[6] release.
[7] **MR. WAREHAM:** Mark this as
[8] Plaintiff's Exhibit 6.
[9] (Plaintiff's Exhibit 6, document
[10] bearing Bates numbers D 0771 and D 0772,
[11] marked for identification.)
[12] **Q:** Is this an accurate copy of the
[13] release that your office issued that day?
[14] **MR. MARKS:** Just for the record, it
[15] is a one-page document, two sides, and the
[16] first page of Exhibit 6 is Bates stamped D
[17] 0771 and the next is D 0772.
[18] **A:** Yes.
[19] **Q:** And can I draw your attention to the
[20] third paragraph?
[21] **A:** Yes.
[22] **Q:** And I ask you to read that into the
[23] record, or just read that out loud?
[24] **A:** Okay. But the second paragraph is
[25]

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[1] **L. Comrie**
[2] germane to the third paragraph.
[3] **Q:** At this point would you please read
[4] the third paragraph?
[5] **A:** Threats of assassination made by
[6] Viola Plummer Chief of Staff to Council Member
[7] Charles Barron clearly crossed the line. The
[8] reckless remarks made by Ms. Plummer as an
[9] employee of the City of New York cannot be
[10] tolerated, and it is my opinion that she should
[11] be fired immediately. Considering the recent
[12] history of this Council, the word assassination
[13] clearly evokes painful memories of our late
[14] colleague James Davis.
[15] **Q:** Thank you.
[16] And is that your position, that the
[17] basis of Ms. Plummer's firing were the reckless
[18] remarks?
[19] **A:** Yes.
[20] **MR. MARKS:** Objection.
[21] **A:** And I said in the second paragraph,
[22] and again in paragraph — where am I? The third
[23] paragraph on the end where I spoke about — in
[24] the second paragraph, "Even more so derisive and
[25] repugnant remarks by members of staffers" —

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[1] **L. Comrie**
[2] "members and staff of this body during and after
[3] the stated meeting is an issue that must be
[4] addressed." And I also say in here, in paragraph
[5] what is it, six, that I'm calling upon the
[6] Speaker, "I'm not surprised by my colleague
[7] Charles Barron, who would defend Ms. Plummer and
[8] her heinous remarks, I'm calling for the Speaker
[9] and other members of this body to join me in
[10] publically censoring her and calling for her
[11] termination" and I also say in here that I was
[12] appalled by the lack of respect and other
[13] disregard for this body that also sought to see
[14] this debate disintegrate into a racial argument.
[15] **Q:** Are you saying that even absent the
[16] remarks outside of City Hall, you would call for
[17] Ms. Plummer's termination for the remarks she
[18] made in City Hall?
[19] **A:** Correct.
[20] **Q:** But you don't remember what those
[21] remarks were?
[22] **A:** I didn't freeze them in my memory.
[23] **Q:** So it wasn't the assassination that
[24] tipped the scale, it was just her remarks both
[25] inside of City Hall —

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[1] **L. Comrie**
[2] **A:** Her conduct that day in total.
[3] **Q:** Her conduct?
[4] **A:** Right.
[5] **Q:** And her conduct, what was her
[6] conduct that day?
[7] **A:** Her remarks that she made in the
[8] chambers.
[9] **Q:** The words she issued? The words she
[10] spoke?
[11] **A:** Yes.
[12] **Q:** And you're saying that this press
[13] release of June 1st, Plaintiff's 6, you had no
[14] discussion with anyone from the Speaker's office
[15] in formulating it?
[16] **A:** No.
[17] **Q:** This came totally out of —
[18] **A:** Yes.
[19] **Q:** — consultation between you and
[20] Mr. Huff?
[21] **A:** Right.
[22] **Q:** When you said that Ms. Plummer
[23] should be fired, who in your view had the
[24] authority to fire Ms. Plummer?
[25] **A:** The Speaker.

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[1] **L. Comrie**
[2] **Q:** The Speaker had the authority to
[3] fire Ms. Plummer?
[4] **A:** Yes.
[5] **Q:** Does the Speaker have the authority
[6] to fire Rance Huff?
[7] **A:** Yes.
[8] **Q:** Did the Speaker hire Rance Huff?
[9] **A:** No.
[10] **Q:** Who hired Rance Huff?
[11] **A:** I did.
[12] **Q:** You put in the form to hire Rance
[13] Huff?
[14] **A:** Correct.
[15] **Q:** Did the Speaker sign off on that?
[16] **A:** I don't think so, no.
[17] **Q:** Where does the Speaker get the
[18] authority to fire Viola Plummer?
[19] **MR. MARKS:** Objection to form.
[20] **A:** She is in charge of all Council
[21] personnel.
[22] **Q:** Where does that say that? Where is
[23] that stated? Where is that written that the
[24] Speaker is in charge of all Council personnel?
[25] **MR. MARKS:** Objection to form.

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L. Comrie

[1] **A:** I don't — in the Charter, from my
[2] understanding. I don't —
[3] **Q:** Have you read the Charter?
[4] **A:** I saw the chapter at one point, yes.
[5] **Q:** And can you cite the section in the
[6] Charter where it gives the Speaker —
[7] **A:** No, I didn't commit it to memory.
[8] I'm sorry.
[9] **Q:** — where it gives the Speaker the
[10] authority over all City Council personnel?
[11] **A:** I don't have it committed to memory.
[12] **Q:** But you're saying you've read that
[13] in the Charter where the Speaker has authority
[14] over all City Council personnel?
[15] **A:** Right.
[16] **MR. WAREHAM:** Make this 7.
[17] This is part of the Charter, an
[18] excerpt from the Charter of the City
[19] Council of New York, beginning with
[20] chapters two, sections 21 through 23, and
[21] sections 41 through 49.
[22] (Plaintiff's Exhibit 7, Excerpt of
[23] New York City Charter as Amended Through
[24] July 2004, marked for identification.)
[25]

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L. Comrie

[1] **Q:** If you can just look at that, in
[2] particular sections 21 through 23, and section
[3] 44, which is entitled, "Speaker".
[4] **A:** Okay.
[5] **Q:** In the sections that I presented
[6] you, and there are certain sections that aren't
[7] there that deal with Public Advocate and
[8] elections, but in the sections that I've shown
[9] you, is there anything that indicates the Speaker
[10] has control over personnel of the City Council?
[11] **MR. MARKS:** Objection to form.
[12] You can answer.
[13] **A:** Yes.
[14] **Q:** Excuse me?
[15] **THE WITNESS:** I'm sorry.
[16] **MR. MARKS:** Go ahead.
[17] **A:** I said yes.
[18] **Q:** Would you please, what section is
[19] that?
[20] **A:** 45, 47, and 48.
[21] **Q:** Is there anything that indicates
[22] that the Speaker has —
[23] **A:** And 44, I'm sorry, 44, 45, 47 and
[24] 48.
[25]

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L. Comrie

[1] **Q:** Is there anything that indicates
[2] that the Speaker has control over the
[3] disciplining or the suspension of individual
[4] members of the City Council, of staff members of
[5] individual members of the City Council?
[6] **A:** Yes.
[7] **Q:** What section is that?
[8] **A:** 45.
[9] **Q:** And would you please read that part
[10] that you think says that?
[11] **A:** "Shall have the authority" —
[12] **Q:** Please indicate which section you're
[13] reading from.
[14] **A:** Section 45, right after, "Mailing
[15] cost".
[16] **Q:** After "Mailing cost", how many lines
[17] down?
[18] **A:** It's like four lines from the
[19] bottom. "Shall have authority to compel
[20] attendance of absent members, punish members for
[21] disorderly behavior and to expel any member after
[22] charges and a hearing with the concurrence of
[23] two-thirds of all the Council members."
[24] **Q:** Let me just stop you right there.
[25]

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L. Comrie

[1] Is that referring to Council members?
[2] **A:** It says members.
[3] **Q:** Does that refer to staff of
[4] individual Council members?
[5] **A:** It says members. It doesn't say
[6] Council members or — I'm interpreting it as any
[7] member of the City Council staff.
[8] **Q:** So a staff member is a member of the
[9] City Council?
[10] **A:** I'm sorry, say that again.
[11] **Q:** Is a staff member a member of the
[12] City Council?
[13] **A:** No, City Council members are
[14] elected.
[15] **Q:** So you're saying that this section
[16] you're referring to has a more inclusive
[17] definition of member?
[18] **MR. MARKS:** Objection to form.
[19] You can answer.
[20] **A:** Yes.
[21] **Q:** And that the definition of member in
[22] this section means members and employees of
[23] members?
[24] **A:** Yes.
[25]

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L. Comrie

[1]
[2] **Q:** And according to this section, and
[3] at the end it says "To expel any member after
[4] charges and the hearing with the concurrence of
[5] two-thirds of all the Council members", were
[6] charges and a hearing brought against Viola
[7] Plummer?
[8] **A:** No.
[9] **Q:** Did two-thirds of the members of the
[10] City Council concur that she should be expelled?
[11] **A:** No.
[12] **Q:** Is there another section that you
[13] think gives the Speaker the authority to suspend
[14] a member of an individual Council Member, aside
[15] from paragraph 45?
[16] **A:** Section 21.
[17] **Q:** And for the benefit of the record
[18] can you read what section 21 says?
[19] **A:** "There shall be a Council which
[20] shall be invested with the ledge" — "There shall
[21] be the legislative body of the City in addition
[22] to the other powers vested in it by this Charter
[23] and other law, the Council shall be vested with
[24] the legislative power of the City. Any
[25] enumerations of powers in this Charter shall not

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L. Comrie

[1] be held to the limit of the legislative power of
[2] the Council, except as specifically provided in
[3] this Charter."
[4] **Q:** And you interpret that section to
[5] mean that the Speaker of the City Council has the
[6] authority to fire an employee of an individual
[7] staff member?
[8] **A:** Yes.
[9] **Q:** Are there any other sections in here
[10] that you think gives the Speaker that authority?
[11] **A:** I said 47, right? Section 47.
[12] **Q:** Can you please read into the record
[13] what part of section 47 gives her that authority?
[14] **A:** "The Council shall establish a
[15] structure within the City Council and retain
[16] professional staff to review and analyze proposed
[17] budgets and departmental estimates, request for
[18] new taxes or changes in taxes, budget
[19] modifications, capital borrowings and Mayoral
[20] management reports. Such staff shall assist the
[21] committees of the Council and their Council
[22] member in their analysis of the proposed
[23] legislation and their review of the performance
[24] of management of City agencies."

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L. Comrie

[1]
[2] **Q:** And you're saying that your
[3] interpretation of that language is that it says
[4] it gives the Speaker the authority to fire the
[5] employee of an individual Council member?
[6] **A:** It doesn't say that here
[7] specifically.
[8] **Q:** Does it say that in section 45
[9] specifically?
[10] **A:** It — no.
[11] **Q:** Does it say it in section 21
[12] specifically?
[13] **A:** No, it gives her the general power
[14] as the head of the counsel to make decisions.
[15] **Q:** And did you participate in the vote
[16] for the Speaker when Council Member Gifford was
[17] elected Speaker of the City Council?
[18] **A:** Yes, yes.
[19] **Q:** And was it your understanding that
[20] when you selected him as Speaker he would have
[21] control over the individual staff members that
[22] you hire?
[23] **MR. MARKS:** Objection to form.
[24] **A:** I didn't have that understanding
[25] then.

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[1]
[2] **Q:** When you selected, when you voted to
[3] select Council Member Quinn as Speaker, was it
[4] your understanding that you were giving her the
[5] authority to suspend or fire your individual
[6] staff members?
[7] **A:** Yes.
[8] **Q:** That was your understanding?
[9] **A:** Yes.
[10] **Q:** That was part of the platform?
[11] **A:** No. Sorry.
[12] **Q:** When did you come to that
[13] understanding between the time of the selection
[14] of Speaker Gifford and Speaker Quinn?
[15] **MR. MARKS:** Miller.
[16] **Q:** Miller, I'm sorry.
[17] **A:** The Alan Jennings incident.
[18] **Q:** Excuse me?
[19] **A:** The Alan Jennings incident.
[20] **Q:** In the Alan Jennings incident, the
[21] Speaker had him fired?
[22] **A:** No.
[23] **Q:** What in the Alan Jennings incident
[24] gave you the understanding that the Speaker had
[25] the authority to fire individual employees, staff

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1) employees of individual Council members?
2) **A:** That the plaintiffs in the case sued
3) the Speaker and the Council.
4) **Q:** The plaintiffs were?
5) **A:** The women that were harassed by
6) Council Member Jennings, and during that time it
7) was discovered that the Speaker is responsible
8) for all the staff members of the City Council.
9) **Q:** Is a Council member considered a
10) staff member?
11) **A:** No.
12) **Q:** The staff members that you're
13) speaking of were the staff members of Councilman
14) Jennings?
15) **A:** Yes.
16) **Q:** And you're saying it was discovered
17) that the —
18) **A:** The Speaker —
19) **Q:** — the Speaker —
20) **A:** — is responsible for all employees
21) hired to the City Council.
22) **Q:** And what authority was cited for the
23) Speaker to have that?
24) **A:** I don't know the chapter and verse,
25)

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1) but it was —
2) **Q:** Was it in the Charter?
3) **A:** I believe so, yes.
4) **Q:** But you didn't see it in the
5) sections that we looked at today, right?
6) **A:** Yes.
7) **Q:** You did see it?
8) **A:** No, I didn't — I mean — yes, I'm
9) sorry, I'm —
10) **Q:** Sorry.
11) **A:** — I'm confused.
12) **Q:** This authority that you said that
13) was discovered during the lawsuit against
14) Councilman Jennings —
15) **A:** Right.
16) **Q:** — this authority that the Speaker
17) has over personnel of individual Council
18) members —
19) **A:** The responsibility.
20) **Q:** The responsibility, does
21) responsibility include the right to fire them?
22) **A:** Yes.
23) **Q:** Were the staff members of Councilman
24) Jennings fired by the Speaker?
25)

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1) **A:** No.
2) **Q:** Were they rehired by the Speaker?
3) **A:** No.
4) **Q:** So what was the responsibility that
5) the Speaker had over Councilman Jennings' staff
6) members?
7) **A:** My understanding is that the
8) Speaker's office is responsible for all personnel
9) that is hired under the Council's umbrella.
10) **Q:** And it is your understanding that
11) the responsibility means the right to suspend
12) those personnel?
13) **A:** Yes.
14) **Q:** And the right to fire those
15) personnel?
16) **A:** Right.
17) **Q:** And that all of the City Council
18) members, when they selected Christine Quinn,
19) those who selected Christine Quinn as Speaker
20) understood that —
21) **MR. WAREHAM:** Withdrawn.
22) **Q:** Was there a consensus amongst the
23) Council when they selected the last Speaker, that
24) she had the authority to hire and fire, to fire,
25)

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1) suspend —
2) **MR. WAREHAM:** Excuse me.
3) **Q:** — to discipline or terminate staff
4) members of individual Council members?
5) **MR. MARKS:** Objection to form.
6) **A:** No, I never — there had never been
7) a reason.
8) **Q:** Was that your understanding when you
9) selected Christine Quinn as the Speaker, that she
10) would have that authority over your staff
11) members?
12) **A:** Yes.
13) **Q:** But you don't know where that is
14) written down? Is it in the City Council rules?
15) **A:** I don't know where it's written
16) down. I don't know. I don't know what part of
17) the Charter it was shown to me, it might be a
18) different part of it.
19) **Q:** Are you familiar with the rules of
20) the City Council?
21) **A:** Some of them, I don't have it
22) verbatim. I don't have it all, you know — I'm
23) not — I don't have what do you call it, computer
24) recollection, whatever, I read it, but I don't
25)

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[1] **L. Comrie**
[2] have it committed to memory.
[3] **Q:** Those are the rules by which the
[4] City Council conducts its business, correct?
[5] **A:** Yes.
[6] **Q:** Those are more specific than what is
[7] laid out in the New York City Charter, correct?
[8] **MR. MARKS:** Objection to form.
[9] **A:** I'm not sure.
[10] **Q:** Would you look back at Plaintiff's 7
[11] at paragraph 46?
[12] **A:** Umm-hmm.
[13] **Q:** And what is that entitled?
[14] **A:** "Rules of the Council".
[15] **Q:** Can you just for the record read
[16] what that paragraph says?
[17] **A:** "The Council shall determine the
[18] rules of its own proceedings at the first stated
[19] meeting of the Council in each year and shall
[20] file a copy with the City clerk. Such rules
[21] shall include but not be limited to rules that
[22] the chairs of all standing committees be elected
[23] by the Council as a whole, that the first named
[24] sponsor of a proposed law or resolution be able
[25] to require a committee vote on such proposed law

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[1] **L. Comrie**
[2] or resolution, that a majority of the members of
[3] the Council should be able to discharge a
[4] proposed local law or resolution from committee,
[5] that the committee shall provide reasonable
[6] advance notice of committee meetings to the
[7] public, that all committee votes be recorded and
[8] made available to the public."
[9] **Q:** So this is the City Charter giving
[10] the authority to the Council to set its rules,
[11] correct?
[12] **A:** Yes.
[13] **Q:** Now, let's look at Plaintiff's 4, I
[14] want to refer you back to Plaintiff's 4, which
[15] was the Rules of the Council, the excerpts from
[16] the Rules of the Council. I draw your attention
[17] to chapter two.
[18] **MR. MARKS:** I want to make it clear
[19] that Plaintiff's 4 is not the entire, just
[20] excerpts.
[21] **MR. WAREHAM:** Right, it's an
[22] excerpt.
[23] **Q:** I draw your attention to section 2
[24] entitled "Speaker", and could you just read that
[25] and just read for the record what that section

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[1] **L. Comrie**
[2] says about the Speaker?
[3] **A:** Section 2.00?
[4] **Q:** Yes. Exactly.
[5] **A:** "The Council shall elect from its
[6] members a Speaker and other such officers as it
[7] deems appropriate. During absences the Speaker
[8] may designate in writing any member to perform
[9] the duties of the Speaker for that legislative
[10] day."
[11] **Q:** Now I draw your attention to section
[12] 2.40, and that is entitled —
[13] **A:** "Personnel and fiscal report."
[14] **Q:** Can you just read that first
[15] paragraph?
[16] **A:** "The Speaker shall provide to each
[17] member an annual report detailing the names of
[18] all individuals receiving compensation for work
[19] performed in the Council, its members or any of
[20] its committees, the amount of such compensation,
[21] and a title, and job description, including
[22] identification of the function or division of the
[23] Council to which the individual is assigned.
[24] Each report shall also set forth the amount of
[25] allowance in lieu of expenses received by each

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[1] **L. Comrie**
[2] committee chairperson."
[3] **Q:** Is there any place in the rules that
[4] you're looking at where it indicates that the
[5] Speaker has the authority to discipline or fire
[6] the staff members of individual Council members?
[7] **A:** I don't see anything specifically
[8] written, no.
[9] **Q:** Did you attend the two stated
[10] meetings in June 2007, June 3rd?
[11] **A:** Yes.
[12] **Q:** Do you know if Mrs. Plummer was at
[13] those meetings? Do you remember her being there?
[14] **A:** Yes, I think she was there.
[15] **Q:** Do you remember her engaging in any
[16] alleged disruptive conduct at those meetings?
[17] **A:** I don't remember.
[18] **Q:** So as far as you remember, those
[19] meetings went along smoothly as per the norm?
[20] **MR. MARKS:** Objection, objection to
[21] form.
[22] **A:** I wouldn't say they were smooth, but
[23] they were completed. Yeah, I think one of them
[24] got disruptive over an issue, I don't remember.
[25] **Q:** Do you remember what the issue was?

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A: No.

Q: Was Ms. Plummer involved with that?

MR. MARKS: Objection to form.

A: I don't remember.

Q: Did the Speaker meet with you at any point in time after May 30th to assess the disruption caused by Mrs. Plummer's outbursts, quote/unquote, alleged outbursts and threats?

MR. MARKS: Objection to form.

A: Yes.

Q: When was that?

A: The — the — the day of.

Q: On May 30th?

A: Yes.

Q: You had a meeting on May 30th?

A: When — when — it wasn't a meeting, but when the reporter came in with the tape, there was a request from the speaker to have a quick discussion about it and the overall tenure of the day.

Q: And who was at that meeting?

A: Myself, the Speaker, Chuck Meara, Ramon Martinez, that was when we were listening to the tape from the reporter, so I forget her

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communications woman, a Hispanic woman was there also.

Q: Maria Alvarado?

A: Yes.

Q: So there were five people?

A: Umm-hmm.

Q: And what did you discuss at the meeting?

A: We discussed the tape and also the — the — what happened at the meeting, what happened during the stated meeting.

Q: And what was the conclusion?

MR. MARKS: Objection to form.

A: Yeah. And we concluded that we would speak about it again.

Q: Was there any discussion around any steps, any actions being taken against Viola Plummer?

A: I'm sorry, say that again.

Q: Was there any discussion about taking any type of disciplinary action against Viola Plummer at that meeting of May 30, 2007?

A: No discussion. I had stated then that I wanted to see her fired, and that was the

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first time that I — I made that public request or personal request to the Speaker.

Q: And what was the Speaker's response when you said that?

A: She would take it under advisement.

Q: Did she respond that she did not have the authority over the staff members of individual Council members?

A: No.

Q: She didn't —

A: She didn't say that, no.

Q: Did you have any subsequent meetings with the Speaker around what steps might be taken —

A: Yes.

Q: — against Ms. Viola Plummer?

When was the next meeting?

A: I don't remember the date.

Q: How many days after the stated meeting of May 30, 2007?

A: Within a week.

Q: And what was discussed at that meeting?

A: There was a discussion of what can

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be done by the Council.

Q: And were any conclusions drawn about what could be done by the Council?

A: No.

Q: At that point in time, did the Speaker indicate that she was in agreement with you that Viola Plummer should be terminated?

A: Yes.

Q: Did the Speaker indicate that, the Speaker being Council Member Quinn, did the Speaker indicate that she did not have the authority over the staff member of an individual Council member?

A: No.

Q: Did this meeting occur after June 3rd, do you remember?

A: I don't remember.

Q: Was there any point in time during the month of June when you understood, when the Speaker indicated —

MR. WAREHAM: Withdrawn.

Q: Was there any point in time during the month of June when the Speaker indicated that she did not have the authority as Speaker over

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[1] the firing of Viola Plummer as a staff member of
[2] an individual Council member?
[3] **A:** No.
[4] **Q:** Was there any point in time when the
[5] Speaker indicated to you that Viola Plummer, that
[6] staff employees of individual Council members are
[7] considered her employees as Speaker?
[8] **A:** Yes.
[9] **Q:** When did she say that?
[10] **A:** After they did the research.
[11] **Q:** Do you remember when that was?
[12] **A:** About a week before the letter was
[13] drafted.
[14] **Q:** And when you say after they did the
[15] research, who is they?
[16] **A:** Council's legal staff.
[17] **Q:** And your understanding at that point
[18] was that individual staff members, staff
[19] employees of individual Council members are under
[20] the personnel control of —
[21] **A:** — the Speaker.
[22] **Q:** — the Speaker?
[23] **A:** Correct.
[24] **Q:** And when they told you that, did

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[1] they indicate to you what that was based upon,
[2] what legal authority that was based upon?
[3] **A:** Yes.
[4] **Q:** And what was that legal authority?
[5] **A:** I didn't commit it to specific
[6] chapter and verse.
[7] **Q:** Was it the New York City Charter?
[8] **A:** I believe so.
[9] **Q:** But it wasn't in that section that
[10] we just looked at, right?
[11] **A:** Correct.
[12] **Q:** Some other section?
[13] **A:** Right. I don't know. I mean —
[14] **Q:** Was it in the City Council Rules?
[15] **A:** I — again, I didn't commit it to
[16] member.
[17] **Q:** When you met with her and that was
[18] communicated to you, who else was present?
[19] **A:** Liz Fine.
[20] **Q:** Liz Fine is?
[21] **A:** The — the — the Chief Counsel, I
[22] forget her title, Director of the Law Counsel,
[23] Chief Counsel for the Speaker, Chuck Meara and
[24] Ramon Martinez.
[25]

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[1] **Q:** And the Speaker, right?
[2] **A:** Right.
[3] **Q:** You said that was about a week
[4] before the letter of suspension was drafted?
[5] **A:** Yes.
[6] **Q:** And that was a letter that was sent
[7] to Ms. Plummer on June 28th, if you know?
[8] **A:** Okay. I'm not locked in on dates.
[9] **Q:** And that was a week before the next
[10] stated meeting, the last stated meeting in June,
[11] June 27th?
[12] **A:** Umm-hmm, umm-hmm.
[13] **Q:** It was before that?
[14] And did you have any discussion with
[15] any other Council members about the significance
[16] of this power of the Speaker —
[17] **MR. MARKS:** Objection to form.
[18] **Q:** — over hiring of their staff
[19] members?
[20] **MR. MARKS:** Objection to form.
[21] **A:** Yes.
[22] **Q:** And who did you discuss that with?
[23] **A:** Most of the members at some point,
[24] the caucus leaders, the other members of the
[25]

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[1] Council leadership team, the — so there would
[2] be — and I think most of the members of the
[3] Council.
[4] **Q:** And did any of them express concern
[5] about this expansion of the powers of the
[6] Speaker —
[7] **MR. MARKS:** Objection to form.
[8] **Q:** — over their personnel, over the
[9] personnel of their staff?
[10] **MR. MARKS:** Objection to form.
[11] **A:** Yes.
[12] **Q:** Did they think that the Speaker did
[13] not have that power?
[14] **A:** No.
[15] **MR. MARKS:** Objection to form.
[16] **Q:** You're saying that the people you
[17] spoke with all agreed that the Speaker does have
[18] the power of firing their staff employees?
[19] **A:** Right.
[20] **MR. MARKS:** Objection to form.
[21] **Q:** Have you heard the term, "The
[22] inherent powers as Speaker" before?
[23] **A:** Can't say that I have.
[24] **Q:** Let me re-ask.
[25]

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[1] Have you heard that term in

[2] justification of the right of the Speaker of the

[3] City Council to discipline individual staff

[4] members' employees, I'm sorry, individual Council

[5] members' staff employees?

[6] MR. MARKS: Objection to form.

[7] A: No.

[8] Q: Let me just take you back a second.

[9] You said that you intend to file a complaint with

[10] the police department against Ms. Plummer?

[11] A: I'll file it — I'll file a

[12] statement of record.

[13] Q: I'm still trying to be clear, what

[14] will the complaint be?

[15] MR. MARKS: If he knows.

[16] A: Yeah —

[17] MR. WAREHAM: He's filing it.

[18] A: I mean — I was told that I should

[19] file for the record the statement of what

[20] happened that day.

[21] Q: You were told by?

[22] A: The police.

[23] Q: Who? Who in the police? Somebody,

[24] an officer on the block?

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[1] A: Lieutenant Brennan, Lieutenant

[2] Brennan who is the head of the Council's — the

[3] City Hall security.

[4] Q: Lieutenant Brennan?

[5] A: Umm-hmm. He suggested that I should

[6] file the statement for the record.

[7] Q: Did he say what would come of that,

[8] whether criminal charges would be filed?

[9] A: No. He said that they would not

[10] generate criminal charges.

[11] Q: This is just a statement for the

[12] record?

[13] A: Right.

[14] Q: Like a paper trail?

[15] A: Right.

[16] MR. MARKS: Objection to form.

[17] MR. WAREHAM: I need about a five

[18] minute break, we're almost finished.

[19] (Time noted: 12:24 p.m.)

[20] (A brief recess is taken.)

[21] (Time noted: 12:34 p.m.)

[22] Q: During your time on City Council,

[23] what committees have you chaired?

[24] A: Rules Privileges and Elections, and

[25]

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[1] Consumer Affairs.

[2] Q: Rules Privileges and Elections.

[3] So that makes you fairly conversant

[4] with the rules —

[5] A: Right.

[6] Q: — in terms of the power of the

[7] Speaker, okay.

[8] A: That is how I knew about the Alan

[9] Jennings stuff.

[10] Q: And when this incident happened with

[11] Ms. Plummer, did you speak with — are you still

[12] the chair of the rules committee?

[13] A: No.

[14] Q: Did you speak with any members of

[15] the rules committee in terms of what avenues of

[16] redress were opened to you?

[17] MR. MARKS: Objection, objection to

[18] form.

[19] A: I spoke to every member in the

[20] Council to reaffirm to them my position that I

[21] thought she should be terminated.

[22] Q: And did any of those people indicate

[23] to you that the Speaker had the authority to

[24] terminate Ms. Plummer, any of the people that you

[25]

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[1] spoke with, any of the Council members that you

[2] spoke with?

[3] A: Yes. Yes.

[4] Q: Which one?

[5] A: I'm running through names.

[6] Members that were familiar with the

[7] Jennings incident that served on ethics and

[8] rules, Peter Vallone, Helen Sears, Joel Rivera,

[9] they're on both committees. I can't remember who

[10] else served on both committees.

[11] Q: But they agreed that the Speaker has

[12] the authority?

[13] A: Right.

[14] Q: And the precedent for that was from

[15] the Alan Jennings case?

[16] MR. MARKS: Objection to form.

[17] A: I don't know if that was the

[18] precedent, that was the — the issue that let us

[19] know.

[20] Q: I understand that since your

[21] election you've moved into a new house?

[22] A: No.

[23] Q: You had one built?

[24] A: In the process.

[25]

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[1] **Q:** From the ground up? Excuse me?
[2] **A:** Yes.
[3] **Q:** A large house?
[4] **MR. MARKS:** Objection to form.
[5] **Q:** How many rooms?
[6] **MR. MARKS:** Why is this relevant?
[7] Actually, it's not relevant. If you're
[8] asking him questions about his house, the
[9] fixtures, what kind of floor it is, the
[10] roof, the bathrooms, what kind of curtains
[11] he wants, I'm not allowing him to answer
[12] that, we're really getting pretty far
[13] afield here from Ms. Plummer's comments and
[14] actions at the May 30th meeting made about
[15] Mr. Comrie.
[16] **Q:** Aside from the Alan Jennings matter,
[17] do you know of any time before Ms. Plummer's
[18] termination that a speaker has terminated the
[19] staff member of an individual Council member?
[20] **A:** No.
[21] **MR. WAREHAM:** I have no further
[22] questions.
[23] **MR. MARKS:** I have no questions.
[24] (Time noted: 12:39 p.m.)
[25]

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[1] I, the witness herein, having read
[2] the foregoing testimony, do hereby certify
[3] it to be a true and correct transcript,
[4] subject to the corrections, if any, shown
[5] on the attached page.
[6]
[7]
[8]
[9]
[10]
[11]

LEROY COMRIE

[12] Subscribed and sworn to
[13] before me this ____ day
[14] of _____ 2007.
[15]
[16]
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[18]
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[1] **L. Comrie**
[2] **CERTIFICATE**
[3] **STATE OF NEW YORK)**
[4]
[5] **COUNTY OF NEW YORK)**
[6] I, KAREN PERLMAN, a Shorthand Reporter and
[7] Notary Public within and for the State of New
[8] York, do hereby certify:
[9] That LEROY COMRIE, the witness whose
[10] deposition is hereinbefore set forth, was duly
[11] sworn by me and that such deposition is a true
[12] record of the testimony given by such witness.
[13] I further certify that I am not related to
[14] any of the parties to this action by blood or
[15] marriage, and that I am in no way interested in
[16] the outcome of this matter.
[17] **IN WITNESS WHEREOF,** I have hereunto set my
[18] hand this 20th day of August, 2007.
[19]
[20]
[21]
[22]
[23]
[24] **KAREN PERLMAN**
[25]

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Lawyer's Notes

Exhibit K

Page 1

[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3]
[4] VIOLA PLUMMER,
[5] Plaintiff, Civil Action No.
[6] -against- 07 CV 6154(WHP)
[7] CHRISTINE QUINN,
Speaker of the City Council,
[8] Defendant.
[9]
[10] August 20, 2007
12:15 p.m.
[11]
[12]
[13]
[14] DEPOSITION of ISRAEL MARTINEZ, taken
[15] by the Plaintiff, pursuant to Notice, at the law
[16] offices of The Corporation Counsel, 100 Church
[17] Street, New York, New York before Karen Perlman,
[18] a Shorthand Reporter and Notary Public within and
[19] for the State of New York.
[20]
[21]
[22]
[23]
[24] GREENHOUSE REPORTING, INC.
363 Seventh Avenue - 20th Floor
New York, New York 10001
[25] (212) 279-5108

Page 2

[1]
[2] APPEARANCES:
[3] LAW OFFICES OF ROGER S. WAREHAM, ESQ.
[4] Attorneys for the Plaintiff
[5] 394 Putnam Avenue
[6] Brooklyn, New York 11216
[7]
[8] NEW YORK CITY LAW DEPARTMENT
[9] OFFICE OF THE CORPORATION COUNSEL
[10] Attorneys for Defendant
[11] 100 Church Street
[12] New York, New York 10007
[13] BY: ERIC J. EICHENHOLTZ, ESQ.
[14] -and-
[15] PAUL MARKS, ESQ.
[16] -and-
[17] NEW YORK CITY COUNCIL
[18] OFFICE OF THE GENERAL COUNSEL
[19] Attorneys for Defendant
[20] 250 Broadway
[21] New York, New York 10007
[22] BY: ALVIN L. BRAGG, JR., ESQ.
[23]
[24] ALSO PRESENT:
[25] Viola Plummer

Page 3

[1]
[2] STIPULATIONS
[3] IT IS HEREBY STIPULATED AND AGREED
[4] by and between the attorneys for the respective
[5] parties hereto, that all objections, except as to
[6] form, shall be reserved to the time of trial.
[7] IT IS FURTHER STIPULATED AND AGREED
[8] that the sealing and filing of the within
[9] deposition are hereby waived.
[10] IT IS FURTHER STIPULATED AND AGREED
[11] that the within deposition may be subscribed and
[12] sworn to by the witness being examined before a
[13] Notary Public other than the Notary Public before
[14] whom this deposition was begun.
[15]
[16]
[17]
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

Page 4

[1] **I. Martinez**
[2] ISRAEL MARTINEZ, stating a business
[3] address of 250 Broadway, New York,
[4] New York, having been first duly
[5] sworn by the Notary Public, was
[6] examined and testified under oath as
[7] follows:
[8] **EXAMINATION**
[9] **BY MR. WAREHAM:**
[10] **Q:** Good afternoon, Mr. Martinez.
[11] **A:** Good afternoon, sir.
[12] **Q:** My name is Roger Wareham, I
[13] represent Ms. Plummer in this action. Let me
[14] just ask you some preliminary questions.
[15] Have you ever been deposed before?
[16] **A:** No, never.
[17] **Q:** As you know, your testimony is under
[18] oath, so this is the same as being in a trial,
[19] except there is no judge, this is sworn
[20] testimony.
[21] Have you taken any medication or
[22] drugs that would impair your ability to speak
[23] truthfully and accurately to the questions?
[24] **A:** No.
[25] **Q:** If I ask a question and you don't

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I. Martinez

1) understand it, either because I'm not stating it
2) clearly, or whatever, you can ask me and I will
3) try to rephrase it so that you'll be able to
4) understand it, okay?

A: Okay.

5) **Q:** You have to answer orally, you can't
6) restrict yourself to shaking your head or
7) nodding —

A: Okay.

8) **Q:** — because the reporter has to be
9) able to record what you actually answer.

10) If you need to take a break, which
11) is probably unlikely because this will be real
12) short, just let us know, let me know, if I've
13) asked a question I prefer that you finish the
14) question before requesting the break?

A: That makes sense.

15) **Q:** Have you reviewed any documents in
16) preparation for this hearing?

17) **A:** None that I can think of, no
18) documents.

19) **Q:** What is your title at the City
20) Council?

21) **A:** I am an Assistant Sergeant At Arms.

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I. Martinez

22) **Q:** And how long have you been Assistant
23) Sergeant At Arms?

24) **A:** 20 years in April.

25) **Q:** And what are your responsibilities
26) as an Assistant Sergeant At Arms?

27) **A:** My primary responsibility is to
28) provide order and decorum in the chambers when
29) Council is in session, I also provide security at
30) 250 Broadway at the floors where Council — where
31) the Council actually have staff and the Council
32) Members' offices, and from time to time doing
33) historical tours of City Hall.

34) **Q:** What is the highest level of
35) education you attained?

36) **A:** I would say a little over two years
37) of college.

38) **Q:** Do you have an immediate supervisor?

39) **A:** Yes, that would be the Chief
40) Sergeant At Arms Elias Cabrera, and over him
41) would be now our new director of security, Carl
42) D'Alba.

43) **Q:** Let me draw your attention to I
44) think it's approximately June 1, 2007. Where
45) were you on duty that day?

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I. Martinez

1) **A:** June 1, 2007, that would be the day
2) that we're talking about in question?

3) **Q:** Yes.

4) **A:** I was at my — at my desk, which is
5) in the reception area right off the elevators on
6) the 18th floor.

7) **Q:** So it's in the area right in front
8) of the elevator?

9) **A:** Right in front of the elevators, the
10) four elevators, there is one glass double door on
11) one side, one glass double door on the other
12) side.

13) **MR. MARKS:** I JUST want to make sure
14) we're clear, you're talking about 18th
15) floor of 250 Broadway?

16) **THE WITNESS:** Right, the 18th floor
17) of 250 Broadway.

18) **Q:** And can you describe what if
19) anything happened that you observed happening
20) between Viola Plummer and Council Member Leroy
21) Comrie?

22) **A:** Well, what I noticed was — this was
23) again shortly after the stated meeting, so I
24) was — and this is the first time I actually saw

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I. Martinez

1) them together in one place, actually I haven't
2) seen them together in one place since then, and
3) Ms. Plummer was coming out.

4) **Q:** Coming out of?

5) **A:** Coming out of the glass door on this
6) side —

7) **Q:** From the office area?

8) **A:** From my right where I'm sitting, she
9) was coming out, Council Member Comrie had come
10) off the elevators and he was going in.

11) **Q:** The same door she was coming out?

12) **A:** On the opposite, on the opposite
13) side. And Ms. Plummer called out to Mr. Comrie,
14) I don't remember all of her words, I do remember
15) her opening line, which was something to the
16) effect You need to cut it out, and it was said
17) quite loud, and it was, you know, very vocal and
18) she said some other things.

19) **Q:** You don't remember what those other
20) things were?

21) **A:** I think she restated that again, and
22) then as Council Member Comrie was walking down,
23) he the left to walk down the hall she did call
24) him a chump at least twice.

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I. Martinez

[1] Q: And what, if anything, was Council
[2] Member Comrie's response?
[3] A: Council Member Comrie I think paused
[4] when he realized that she was addressed him, and
[5] then he went on.
[6] Q: He just stopped and then went on?
[7] A: More or less, yes.
[8] Q: He didn't do anything? He did
[9] nothing else?
[10] A: He kind of fumbled with the door,
[11] you know, he's a big guy trying to get through
[12] the door.
[13] Q: You have to buzz him through the
[14] door?
[15] A: I opened the door and then he has
[16] to — he opens the door and goes through, and he
[17] usually has bags, I think he had at least one
[18] that day, so he was getting through the door and
[19] then at no point did he turn to face her, at no
[20] point did he — that I could see make eye
[21] contact, and he certainly did not speak.
[22] Q: And the only words you remember Ms.
[23] Plummer saying was you need to cut it out?
[24] A: You need to cut it out, she said —
[25]

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I. Martinez

[1] there was some other words in there which I guess
[2] weren't a big — you know, didn't stand out to
[3] me, I figured everything was — that was the
[4] extent of the matter, and I remember her calling
[5] "You're a chump", she said that more than once.
[6] Q: And he didn't respond?
[7] A: He didn't respond, he just kept
[8] walking down the hallway.
[9] Q: And did you intervene in this
[10] incident at all?
[11] A: Well, there was nothing to intervene
[12] in, there was nothing to — it was done.
[13] Q: And when Ms. Plummer called Council
[14] Member Comrie a chump, where was he exactly? Was
[15] he still inside the elevator area, was he —
[16] A: He was not far. I mean, you know,
[17] he doesn't — I mean he wasn't very far, maybe he
[18] had just gone passed the door, but she did call
[19] it out quite loudly, so he would have — unless
[20] he would have had a serious hearing impediment he
[21] would have heard it.
[22] Q: And after he went through the door,
[23] did Ms. Plummer follow him through the door?
[24] A: No, no, she did not.
[25]

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I. Martinez

[1] Q: What did she do?
[2] A: She got into the elevator and she
[3] left.
[4] MR. WAREHAM: Give me two minutes.
[5] (Time noted: 12:22 p.m.)
[6] (A brief recess is taken.)
[7] (Time noted: 12:25 p.m.)
[8] Q: After Councilman Comrie walked down
[9] the hall and Ms. Plummer got on the elevator, did
[10] you report this incident?
[11] A: I did report it a little later, I
[12] mentioned it to my assistant supervisor and also
[13] eventually relayed it to Carl D'Alba.
[14] Q: You didn't see it as anything really
[15] urgent?
[16] MR. EICHENHOLTZ: Objection.
[17] A: I reported it that day, I mean I
[18] didn't leave it sit for days.
[19] Q: I'm saying it wasn't —
[20] A: I didn't —
[21] Q: You didn't view it as something I
[22] need to call right away and tell —
[23] MR. EICHENHOLTZ: Objection, but you
[24] can answer the question.
[25]

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I. Martinez

[1] A: I mean it was over, I didn't have to
[2] call 9-1-1.
[3] Q: And do you remember what you
[4] reported to them?
[5] A: Precisely what I just have spoken
[6] right now.
[7] Q: And that is that Ms. Plummer called
[8] Council Member Comrie —
[9] A: That is —
[10] Q: Said that —
[11] A: Would you like me to —
[12] MR. MARKS: Let him, so the record
[13] is clear you have to let Mr. Wareham finish
[14] the question before you start speaking.
[15] THE WITNESS: Sorry.
[16] Q: You need to cut it out and you're a
[17] chump, basically?
[18] MR. EICHENHOLTZ: Objection. You
[19] can answer.
[20] A: Those were — those were — when
[21] this occurred, I'm not in the habit of doing so,
[22] I didn't write down the date, the time, I didn't
[23] write down specifically which — what her words
[24] were word for word, I didn't — it was just
[25]

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[1] something that happened — that happened to have
[2] happened in front of me, which I was a little
[3] surprised by being so close to the stated meeting
[4] and, you know, with all the publicity, I figured
[5] this will be something that they would just avoid
[6] each other and keep quiet, and so I was surprised
[7] at the outburst, and I reported it, naturally, as
[8] one would.
[9] **Q:** And did it seem antagonistic or was
[10] it just a statement?
[11] **A:** There was hostility, I would say it
[12] was.
[13] **Q:** Why do you characterize it as
[14] hostility?
[15] **A:** The word chump is not a neutral
[16] word.
[17] **Q:** You're saying because of the use of
[18] the word chump, you would characterize it as
[19] hostile?
[20] **MR. EICHENHOLTZ:** Objection.
[21] You can answer. Go ahead.
[22] **A:** I was — I would say that the word
[23] chump is not a nicety.
[24] **Q:** So it's really —

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[1] **A:** If anything —
[2] **Q:** It's really the choice of word that
[3] you would then characterize?
[4] **A:** The loudness.
[5] **MR. EICHENHOLTZ:** Objection.
[6] You can answer.
[7] **THE WITNESS:** Sorry.
[8] **MR. EICHENHOLTZ:** It's okay.
[9] **A:** The loudness, the tone, and —
[10] **Q:** And how —
[11] **A:** — the use of the word.
[12] **Q:** How would you describe the tone?
[13] **A:** There was a certain amount of
[14] belligerence in the tone.
[15] **Q:** And you equate belligerence with the
[16] fact that it was loud?
[17] **A:** No, it was loud, and, you know, I
[18] mean these are all subjective questions, I'm
[19] giving you my opinion.
[20] **Q:** Right, it's an opinion, right.
[21] **A:** Right.
[22] **Q:** But what you recall is that Council
[23] Member Comrie did not react at all, he just
[24] walked away?
[25]

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[1] **MR. EICHENHOLTZ:** Objection.
[2] You can answer.
[3] **A:** Essentially.
[4] **Q:** And you were looking at him when Ms.
[5] Plummer said these things?
[6] **A:** As much as I can look at two people
[7] in opposite ends, yes, I was looking at them,
[8] back and forth.
[9] **MR. WAREHAM:** I have no further
[10] questions.
[11] **MR. EICHENHOLTZ:** Nothing from us so
[12] I guess we're done.
[13] (Time noted: 12:29 p.m.)
[14]
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[24]
[25]

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[1] I, the witness herein, having read
[2] the foregoing testimony, do hereby certify
[3] it to be a true and correct transcript,
[4] subject to the corrections, if any, shown
[5] on the attached page.
[6]
[7]
[8]
[9]
[10]
[11]
[12]
[13]
[14]

ISRAEL MARTINEZ

[15] Subscribed and sworn to
[16] before me this ____ day
[17] of _____ 2007.
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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[1] I. Martinez
[2] CERTIFICATE
[3] STATE OF NEW YORK)
[4]
[5] COUNTY OF NEW YORK)
[6] I, KAREN PERLMAN, a Shorthand Reporter and
[7] Notary Public within and for the State of New
[8] York, do hereby certify:
[9] That ISRAEL MARTINEZ, the witness whose
[10] deposition is hereinbefore set forth, was duly
[11] sworn by me and that such deposition is a true
[12] record of the testimony given by such witness.
[13] I further certify that I am not related to
[14] any of the parties to this action by blood or
[15] marriage, and that I am in no way interested in
[16] the outcome of this matter.
[17] IN WITNESS WHEREOF, I have hereunto set my
[18] hand this 27th day of August, 2007.
[19]
[20]
[21]
[22]
[23]
[24] KAREN PERLMAN
[25]

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